This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

$B 106 623

LIBRARY

OF THE

University of California.

No. 2440

Division

Range

Shelf

Received May, 1869.

PRESENTED TO THE

Library of the University of California,

BY

John W. Gwynne Esq

May A. D. 1869.

In the United States District Court,

NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES
vs.
ANDRES CASTILLERO. } No. 420.

"NEW ALMADEN."

TRANSCRIPT OF THE RECORD.

P. DELLA TORRE, Esq., U. S. Attorney.
EDMUND RANDOLPH, Esq., of Counsel.

A. C. PEACHY, Esq.
FRED'K BILLINGS, Esq. } for Claimant.

SAN FRANCISCO:
1860.

TN463
C245
v.2

INDEX.

PROCEEDINGS BEFORE DISTRICT COURT—CONTINUED.

Exhibit No. 9.—Notice to the Public by Dolores Pacheco, March 2, 1846 818
Translation of Exhibit No. 9 819
Exhibit No, 10.—Notice to the Public by Dolores Pacheco, June 13, 1846 819
Translation of Exhibit No. 10 820
Deposition of Wm. P. Reynolds for U. S 821
Deposition of L. W. Sloat, for U. S 830
Affidavit of A. C. Peachy, Esq., on recalling James Alex. Forbes 834
Order for further examination of James Alex. Forbes 834
Order recalling James Alex. Forbes 835
Deposition of James Alex. Forbes, on cross-examination 836
Exhibit O. H. X. No. 11.—Letter: J. A. Forbes to Alex. Forbes, May 5, 1847 842
Exhibit O. H. X. No. 12.—Letter: J. A. Forbes to William Forbes, Oct. 28, 1849 844
Exhibit O. H. X. No. 13.—Letter: J. A. Forbes to Barron, Forbes & Co. Dec. 20, 1849 846
Motion by U. S. to examine Robert Birnie and J. A. Forbes 849
Order to examine same 849
Deposition of Robert Birnie 850
Exhibit X.—Letter: Alex. Forbes to J. A. Forbes, March 28, 1848 864
Exhibit Y.—Letter: Alex. Forbes to J. A. Forbes, March 28, 1848 865

Deposition of Jas. Alex. Forbes, for U. S..... 866
Exhibit E. M.—Letter: Eugene McNamara to Alex. Forbes, Sept. 27, 1846..... 950
Exhibit O. H. X. No. 14.—Letter: J. A. Forbes to Barron, Forbes & Co., Nov. 18, 1849..... 952
Exhibit O. H. X. No. 15.—Letter: Alex. Forbes to J. A. Forbes, March 20, 1848..... 954
Exhibit O. H. X. No. 16.—Letter: Alex. Forbes to J. A. Forbes, March 25, 1848..... 955
Exhibit O. H. X. No. 17.—Letter: J. A. Forbes to Alex. Forbes, March 22, 1848..... 956
Exhibit O. H. X. No. 18.—Letter: J. A. Forbes to Alex, Forbes, June 28, 1848..... 957
Order to examine witnesses, for claimant..... 959
Deposition of William Aram, for claimant..... 960
Deposition of William L. Smith, for claimant..... 963
Deposition of H. C. Melone, for claimant..... 970
Deposition of William McCutchan, for claimant..... 974
Deposition of Felix Raney, for claimant..... 976
Deposition of Asa Vestal, for claimant..... 980
Deposition of Isaac Branham, for claimant..... 985
Deposition of F. Lewis, for claimant..... 990
Deposition of Thomas Campbell, for claimant..... 992
Deposition of L. C. Bostick, for claimant..... 993
Deposition of Manuel Couto, for claimant..... 995
Exhibit A.—Decree of Arista, June 28, 1852.....1047
Translation of Exhibit A.....1049
Exhibit B.—Decree of *Santa Anna*, Oct. 28, 1853.....1051
Translation of Exhibit B.....1053
Exhibit C.—Decree of *Santa Anna*, June 20, 1853.....1055
Translation of Exhibit C.....1056
Copy commission of Manuel Couto.....1057
Orders refusing motion by U. S. to close proofs.....1058
Deposition of John P. Brodie, for claimant.....1059
Deposition of Wm. G. Chard, for claimant.....1068
Exhibit X, receipt for $50, Oct. 16, 1846.....1083
Deposition of Peter Davidson, for claimant.....1084

Notice of motion, by claimant, for a commission to take testimony in Mexico....1088

Deposition of Sherman Day, for claimant....1096

Notice of motion, by claimant, to take depositions of Bassoco and others in open court....1100

Motion, by claimant, for an order to take depositions of Bassoco and others in open court....1101

Order allowing depositions of Bassoco and others to be taken before W. H. Chevers, Esq....1101

Deposition of Jacob P. Leese, for claimant....1102

Deposition of John Forsyth, for claimant....1110

Exhibit A.—*Espediente* of proceedings in Mexico....1114

Translation of Exhibit A....1163

Deposition of José Maria de Bassoco, for claimant....1214

Exhibit Bassoco No. 1.—*Borradores* of the *actas* of the *Junta*. 1330

Exhibit Bassoco No. 2.—Decree of *Paredes*, May 2, 1846... 1355

Exhibit Bassoco No. 3.—Extracts from report of *Lafragua*.. 1356

Exhibit Bassoco No. 4.—Report of the *Junta*....1359

Exhibit Bassoco No. 5.—*Actas*....1400

Exhibit Bassoco No. 6.—*Actas*....1427

Exhibit Bassoco No. 7.—*Espediente* of proceedings in Mexico. 1594

Exhibit Bassoco No. 8.—*Espediente* of proceedings in Mexico. 1605

Exhibit Bassoco No. 9.—*Espediente* of proceedings in Mexico. 1615

Exhibit Bassoco No. 10.—*Espediente* of proceedings in Mexico, 1620

Exhibit Bassoco No. 11.—*Espediente* of proceedings in Mexico, 1624

Exhibit Bassoco No. 12.—Copy of part of a book in office of Minister of Justice....1627

Exhibit Bassoco No. 13.—Report made in 1845, relative to Quicksilver....1630

Exhibit Bassoco A.—Photograph of Rubrics....1679

Exhibit Bassoco B.—Duplicate of A....1679

Translation of Exhibit Bassoco No. 1....1680

Witness my hand with the seal of the aforesaid City hereto affixed, this the 31st day of August, A. D. 1857.

{ SEAL }

CHAPMAN YATES,
City Clerk.

Filed Nov. 21st, 1857.

J. EDGAR GRYMES,
Deputy.

TRANSLATION OF "EXHIBIT NO. 9," ANNEXED TO THE DEPOSITION OF CHAPMAN YATES.

Notice to the Public.

The citizen Dolores Pacheco, Judge of 1st Nomination of the Pueblo of San José Guadalupe.

Whereas the citizen Pedro Hernandez, has formally presented himself in this Court denouncing a mine situated on the Rancho of the "Ojo de la Coche," in this Jurisdiction, and complying with the provisions of the mining ordinance, I order that it be publicly made known, so that at the end of forty days, there should be no one who can allegea better right thereto, the juridical possession thereof be given to him.

Pueblo of San José Guadalupe, Mar. 2d, 1846.

DOLORES PACHECO.

EXHIBIT NO. 10, ANNEXED TO THE DEPOSITION OF CHAPMAN YATES.

NOTICE.

Aviso al Publico.

El Ciudadano Dolores Pacheco, Juez de 1ª. Nominacion del Pueblo de S. José Gpe.

El Ciudadano Ygnacio Soto se ha presentado en este Jusgado denunciando una mina de Asogue cituada en el Rancho de Justo Larios en esta Jurisdiccion y cumpliendo con lo que previene la ordenanza

de mineria, mando se publique para que pasados los cuarenta dias sino uviese quien alegue mayor dro. se le de la posecion Juridica.

Pueblo S. José G., Junio 13, de 1846.

DOLORES PACHECO.

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA, } ss.
CITY OF SAN JOSE. }

I hereby certify that the foregoing is a true and correct copy of an original document, now on file in the archives of the City of San José, County and State aforesaid, and at this present time under my charge.

Witness my hand with the seal of the aforesaid city hereto affixed this 31st day of August, A.D. 1857.

{ SEAL }

CHAPMAN YATES,
City Clerk.

TRANSLATION OF "EXHIBIT No. 10," ANNEXED TO THE DEPOSITION OF CHAPMAN YATES.

Notice to the Public.

The citizen Dolores Pacheco, Judge of the 1st Nomination of the Pueblo of San José Guadalupe.

The citizen. Ignacio Soto having presented to this tribunal his denunciation of a quicksilver mine situated on the Rancho of Justo Larios, in this jurisdiction, and having complied with the ordinances of mining, I order it to be made public that in forty days from this date should there be no one who can allege a better right thereto, I shall give him juridical possession thereof.

Pueblo de San Jose, June 13, 1846.

DOLORES PACHECO.

Filed Sep. 6, 1858.

W. H. CHEVERS,
Clerk.

DEPOSITION OF WM. P. REYNOLDS.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA.

SAN FRANCISCO, Feb'y 13, 1868.

On this day before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Wm. P. Reynolds, a witness produced on behalf of the United States, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

PRESENT:—U. S. Attorney, by E. Randolph—F. Billings for claimant.

QUESTIONS BY U. S. ATTORNEY.

Ques. 1.—Your name, age, and place of residence?

Ans. 1.—Wm. P. Reynolds; I am 37 years of age; I reside in Los Angeles.

Ques. 2.—Where were you during the first six months of the year 1846, and what was your employment?

Ans. 2.—I was in Monterey, Santa Barbara, San Pedro, and Los Angeles during that time. I was second mate on board of the ship "Fama," from the first of January, 1846, until the 26th February, 1846; the rest of that time I was in Santa Barbara, from which place I made two visits by land to Los Angeles; while there I visited San Pedro both times, from Los Angeles. During that time I was out of employment.

Ques. 3.—Do you know what vessels left the ports of Upper California during the months of Januaay and February and March of that year, for Mexican ports?

Ans. 3.—No; I do not know of any vessel leaving.

Ques. 4.—Were you acquainted with the vessels that traded on the coast at that time?

Ans. 4.—I was.

Ques. 5.—If any vessel had sailed from a port of Upper California for a Mexican port at that time, would you have known it?

Ans. 5.—I would.

Ques. 6.—Did any vessel sail during January, February, and March of that year from Upper California for a Mexican port?

Ans. 6.—Not that I know of.

Ques. 7.—Did you know one James McKinlay upon this coast at that time?

Ans. 7.—I did.

Ques. 8.—What was he?

Ans. 8.—He was a trader on the coast here, in a Bremen bark.

Ques. 9.—Do you know of that vessel having left a California port for a Mexican port during the time spoken of?

Ans. 9.—No.

Ques. 10.—Will you endeavor to recollect whether there was any communication by sea from Upper California to a Mexican port during the month of February, 1846?

Ans. 10.—There was none, because all the vessels that were down there from here had left Upper California before January; there were only two—these were the Peruvian bark "Clarita," and the Mexican brig "Maria Theresa."

Ques. 11.—Do you remember ever having seen Andres Castillero in Upper California?

Ans. 11.—I do.

Ques. 12.—When was the last time you saw him in Upper California?

Ans. 12.—In January, 1846.

Ques. 13.—Where was that?

Ans. 13.—In Monterey.

Ques. 14.—At any time, during the six months that I have spoken of, do you remember seeing the Kanaka bark called "Don Quixote," or did you know anything of such a bark being here?

Ans. 14.—I did not see her; I heard of her as being at Monterey, having come from the Islands.

Ques. 15.—Do you know what time she sailed from Monterey, and to what place?

Ans. 15.—I only know what was told me about it.

Ques. 16.—What was told you about it at that time?

(Objected to as hearsay.)

Ans. 16.—When the bark "Tasso" arrived in Santa Barbara, I went on board to get some letters; I expected a letter from Mr. Thomas O. Larkin. I received that letter with others that had come from China by way of the Sandwich Islands, that had come over from the Islands in the bark "Don Quixote." I asked where Capt. Paty of the "Don Quixote" was; Capt. Libbey, of the bark "Tasso," replied

that "he had sailed for Acapulco." That was about the 17th of April, 1846.

Ques. 17.—Who was interested, if any one, with McKinlay in that Bremen bark spoken of?

(Question objected to as irrelevant.)

Ans. 17.—Henry Daltas and Charles McKinlay were the charterers.

Ques. 18.—When did that vessel leave Monterey for the South; in what month in 1846?

Ans. 18.—I do not know; I was in Santa Barbara.

Ques. 19.—Did you see that vessel in Santa Barbara?

Ans. 19.—I did.

Ques. 20.—In what month did you see it in Santa Barbara?

Ans. 20.—In the month of April.

Ques. 21.—While she lay in Santa Barbara do you know of any communication with her from the U. S. Consul, Mr. Larkin, at Monterey?

Ans. 21.—The was a courier came down from Monterey, that purported to be from Mr. Larkin.

Ques. 22.—How do you know there was a courier; did you see him; did you know him; had you any conversation with him or not?

Ans. 22.—I knew there was a courier by general report, and by what he said himself. I saw him; I did not know him until that time. I think they called him "Lemon," or some such name. I conversed with him, and got him to bring a letter up from myself to Mr. Larkin. He arrived at Santa Barbara before the bark did; she left Monterey before he did; it was remarked that he came so fast.

Ques. 23.—Had you heard at that time of any difficulty between Genl. Castro and Col. Fremont?

Ans. 23.—I had.

Ques. 24.—How long before that time had those difficulties occurred?

Ans. 24.—About a month I think; Genl. Castro's proclamations were first posted on the walls of Santa Barbara about the 25th of March; that was the first official information we had about it, although it had been known among the people before.

Ques. 25.—Do you know about how long a time this Bremen bark had been coming from Monterey down to Santa Barbara?

Ans. 28.—I recollect their telling me about it; I don't recollect the exact time, but they told me the places where they stopped coming down—San Simeon, San Luis Obispo, and Refugio.

(Answer objected to as hearsay.)

Ques. 26.—Had she made a long trip, or a short trip, and about how long, in coming down to Santa Barbara?

(Question objected to, because witness has stated that his knowledge of the trip is from what others told him, and he cannot recollect what was told him as to the length of the passage, and his statement about it is only a guess.)

Ans. 26.—It must have been a long trip if she stopped in at all those ports, and took in cargo.

Ques. 27.—Did you learn from the courier that he brought despatches from Mr. Larkin, the Consul, to go to Mexico by this Bremen bark?

Ans. 27.—I heard him tell another man in my presence the object of his journey; he told the man that he would pay him a debt when he got back to Monterey; that he came to bring despatches from Mr. Larkin. It was his making that remark which determined me to send a letter by him to Mr. Larkin. I thought if Mr. Larkin could trust him I could.

Ques. 28.—What detained you in Santa Barbara at that time?

Ans. 28.—I was wrecked in the ship "Fama," at a place called Salina, near Santa Barbara, on the 26th February, 1846.

Ques. 29.—When this Bremen bark left Santa Barbara for what port did she leave?

Ans. 29.—For San Pedro.

Ques. 30.—Did you afterwards see her in San Pedro? if so, when?

Ans. 30.—I did; in the month of April.

Ques. 31.—To what port did she go from San Pedro?

Ans. 31.—I do not know; she was lying there when I left.

Ques. 32.—Did you learn about that time for what port she sailed?

Ans. 32.—I did; for San Diego.

(Question and answer objected to as hearsay, witness having stated in his answer to previous question that he did not know where she did go.)

Ques. 33.—When did she sail from San Diego; in what month?

Ans. 33.—I was told about that time in the month of May.

(Answer objected to as hearsay.)

Ques. 34.—Do you remember the person that told you?

Ans. 34.—I was told by several, but the person who told me particularly was Jim Crow Smith, with whom I was very intimate.

Ques. 35.—Who was this Mr. Smith that you speak of?

Ans. 35.—He was supercargo of the ship "Stirling," of Boston, at that time; his name was William Smith.

Ques. 36.—Did any person of your acquaintance go from Santa Barbara or San Pedro in this vessel down to San Diego; if so whom?

Ans. 36.—Mr Edwin H. Dunn engaged with Mr. Dalton to go as supercargo of the Bremen bark from Santa Barbara to San Diego.

Ques. 37.—Did you see Dunn after he left the vessel in San Diego?

Ans. 37.—I did.

Ques. 38.—Did you learn from him in what month the Bremen bark sailed from San Diego southward?

(Objected to as hearsay.)

Ans. 38.—I met him in Los Angeles about the middle of May, between the 15th and 20th; I asked him about the Captain of the bark, and if the bark had sailed; he told me that he was direct from San Diego, and that the bark had sailed from there a few days before he left.

Ques. 39.—Now please name all the vessels which left the ports of California for a Mexican port, in the month of January, 1846, if any.

Ans. 39.—I do not recollect of any leaving in that month. There was none left Monterey during that month. I was there from the 29th Dec., 1845, till the 27th Jan'y, 1846.

Ques. 40.—Name all the vessels that left in the month of February, if any.

Ans. 40.—I do not know of any vessel leaving at all during that month.

Ques. 41.—In the month of March, April, or May, what other vessels, if any, besides this Bremen bark?

Ans. 41.—I do not remember any other vessels; there were very few, and it was easy to keep the run of them.

Ques. 42.—Do you not know of the "Don Quixote's" leaving during those months?

Ans. 42.—I have answered about that before, that she did leave as far as I have heard.

Ques. 43.—Then those two vessels are all that you know of having left for the south during the first six months of the year 1846; is it so?

Ans. 43.—It is.

Ques. 44.—At what port did vessels leaving this coast get their clearances?

(Objected to, because the ports from which vessels cleared were fixed by law.)

Ans. 44.—At Monterey.

Ques. 45.—Was it the custom for departing vessels to sail directly for the Mexican ports, or to touch along down at the different ports on the ceast of California?

(Objected to, the witness not having disclosed any knowledge of the business, or a custom or usage pertaining thereto.)

Ans. 45.—Almost all the vessels going from California to any place that had cargo to take away, touched in at all the intermediate ports, and San Diego was the general depot for loading before leaving California. It was customary for vessels to go with cargo unless they were employed by government.

Ques. 46.—Do you know whether the Don Quixote touched in at other ports or sailed direct?

Ans. 46.—Sailed direct, as far as I know.

Ques. 47.—Do you know whether she was employed by government or not, when she sailed at that time?

Ans. 47.—Only by hearsay; I heard so at that time.

(Answer objected to as hearsay.)

Ques. 48.—What became of the bark "Tasso," of which you have spoken; did she sail for the Mexican coast?

Ans. 48.—No; she went to San Diego, and back up the coast.

Ques. 49.—About what time in the month of April did the Bremen bark arrive in Santa Barbara?

Ans. 49.—On the 2d April, 1846.

CROSS-EXAMINATION—QUESTIONS BY ATTORNEY FOR CLAIMANT.

Ques. 1.—When did you first come to the coast of California, how, and where from?

Ans. 1.—I arrived in California for the first time on the 25th day of May, 1845, on the ship "Fama," as 2d mate; I came from China by the way of the Sandwich Islands.

Ques. 2.—Where were you from the said 25th May up to the time when you said you were in Monterey, which was the 29th Dec'r of the same year?

Ans. 2.—From the 25th May I was in Monterey, on board said ship, till 18th June following, when I sailed for Santa Cruz. I arrived there the same day, where I remained till the 26th June; sailed from there 26th June, arrived at San Francisco 29th June. I was attached to the ship here. We were launching to the different embarcaderos

until the 23d day Dec., 1845, when we sailed for Monterey, and arrived there the 29th of December.

Ques. 3.—You have said you were at Monterey from the 29th Dec., 1845, until the 27th January, 1846, and that you were wrecked on the 26th February, 1846; where were you in the mean time?

Ans. 3.—On the afternoon of the 27th January, 1846, we sailed for Santa Barbara direct; we arrived there on the 2d February; we laid there until the afternoon of the 25th February, 1846, when, on account of a southeaster, we had to slip our anchor and go to sea; we were lost on the morning of the 26th February, 1846.

Ques. 4.—After the wreck where did you go?

Ans. 4.—We remained at the wreck discnarging the cargo until the 24th March, 1846, and then all hands went to Santa Barbara.

Ques. 5.—When did you make your first visit to Los Angeles from Santa Barbara, and had you remained all the while in Santa Barbara up to the time of the visit?

Ans. 5.—I remained in Santa Barbara from the 24th March up to April 7th, when I started for Los Angeles, and arrived there on the 9th; I remained there two or three days, and then went to San Pedro, and stayed there all day on board this bark; about 4 P. M. I came ashore, and came as far as Manuel Dominguez's ranch; I left there early the next morning, and went to Los Angeles; that afternoon I left there and went to Santa Barbara, where I arrived on the 15th April, 1846.

Ques. 6.—How long did you remain there, and when did you make your next visit to Los Angeles, and when did you return?

Ans. 6.—I remained there till the 12th May, when I started for Los Angeles, and arrived there on the 15th; I remained there until the 20th; I then went to the Mohave river, and arrived back at Los Angeles 1st June; on 3d June I left for Santa Barbara, and arrived there on the 8th.

Ques. 7.—How long did you remain there, where did you next go, and for what purpose?

Ans. 7.—I remained there until the 24th June, and then took passage for Monterey in the brig Euphemia, Capt. Rossum; arrived at Monterey July 10; I then joined Capt. Fauntleroy's company, which was stationed at San Juan Bautista; joined his company 18th July; I remained there until 27th August, then I was discharged and came into Monterey and took passage on 30th August in the "Don Quixote," Capt. Paty, on his return trip from Mexico, for San Francisco via Santa Cruz. Arrived at San Francisco 8th September. Then I entered the employ of Wm. H. Davis and Hiram Grimes; remained in their employ until the 18th November; I sailed then in ship James, Capt. Hammond, for Honolulu by way of Lahaina. We were 11 days from here to Lahaina; laid there 3 days and then went to Honolulu.

I remained in Honolulu 4 days, and then shipped chief mnte of the Hamburg brig Express, for Hongkong.

Ques. 8.—When did you return to California, and how?

Ans. 8.—I came from Valparaiso, in French built bark, called "Stamboul," under the Chilian flag; I arrived in San Francisco 12th November, 1848.

Ques. 9.—Where, generally, have you been since that time till the present?

Ans. 9.—I remained in San Francisco till 17th July, 1849, when I sailed down the coast and stopped at Los Angeles, which I have made my residence ever since.

Ques.—10.—What has been your employment there; what is it now?

Ans. 10.—The first three years I was there I was major domo of Antonio Maria Lugo's ranch. I then bought a drug store there of McFarland & Downer, and was in that business and sold out to my partner, Dr. Hope; I then went to Sonora and brought through a drove of cattle and mules, and I have been engaged in driving stock ever since to the present time.

Ques. 11.—Where were you born?

Ans. 11.—I was born in Manilla.

Ques. 12.—Of what parentage?

Ans. 12.—My father was a native of Massachusetts, my mother was a native of Manilla.

Ques. 13.—You have said that the Peruvian bark "Clarita," and the brig "Maria Therese" had left California for Mexican ports prior to January, 1846; can you fix the dates of their departure, the ports from which and to which they sailed, and their Captains?

Ans. 13.—The bark "Clarita" sailed from San Francisco in October, 1845,and touched at Acapulco on her way to Callao. The "Maria Therese," Capt. Hanks, of San Jose, sailed from San Francisco 4th or 5th of November, 1845, for Mazatlan and San Blas, touching at intermediate ports on the coast. She arrived at Santa Barbara 29th March, 1846, on her trip back.

Ques. 14.—What was the name of the Bremen bark?

Ans. 14.—I asked the Captain, Johassen (he used to write it among Americans, Jansen) what was the name of his bark; he told me such a jaw breaking name that I told him not to tell it to me again.

Ques. 15.—Where is the Mr. Dalton and the Mr. Dunn you have spoken of?

Ans. 15.—Mr. Dalton is the present Mr. Henry Dalton, of Los Angeles, and the last time I saw Mr. Dunn was at Monterey; he was the chief mate of the ship "Fama," which was wrecked. I saw him in Hongkong the beginning of February, 1847. I do not know where he is now.

DIRECT EXAMINATION RESUMED.

Ques. 1.—Do you know who was in possession of San Jose during the time that you were at San Juan Bautista, during the latter part of July and month of August, 1846?

(Objected to as being new matter.)

Ans. 1.—Capt. Watmough; he was Purser of the sloop of war Portsmouth.

Ques. 2.—Did you see him there yourself?

Ans. 2.—Yes sir; I carried letters there to him from Monterey twice; I delivered one to him 28th July, and the other I think on the 10th August.

(Objected to as before.)

Ques. 3.—Where were the Americans quartered when you were in San Jose?

Ans. 3.—In different places; Watmough in Weber & Lightstone's place.

(Objected to as before.)

Ques. 4.—Who occupied the Juzgado?

Ans. 4.—I never was there while I was in San Jose; Lightstone's house was close by the Juzgado; I saw the officers about there.

(Objected to as before.)

Ques. 5.—Do you know who was Alcalde?

Ans. 5.—No, I do not.

Ques. 6.—Do you know whether there was any Alcalde?

Ans. 6.—No, I do not.

Ques. 7.—When Capt. Watmough came with you from the Pueblo, after your delivering to him the second letter spoken of, who was left in command of the Pueblo?

(Objected to as new matter, and assumes a fact not proved.)

Ans. 7.—I do not think I ever knew.

Ques. 8.—Did Capt. Watmough's company come away with him at that time?

Ans. 8.—No; only Capt. Watmough, Dr. Stokes, John Murphy, and myself. We went from San Jose to San Juan Bautista; the next

day after arriving at San Juan Dr. Stokes and I went to Monterey, and left Murphy and Watmough at San Juan; they arrived at Monterey two days afterwards.

WM. P. REYNOLDS.

{ SEAL } Subscribed and sworn to before me this 13th Feb'y, A. D. 1858.

CUTLER McALLISTER,
U. S. Commr.

Deposition taken subject to all exceptions, except as to the forms of questions and answers.

Filed Sept. 6, 1858.

W. H. CHEVERS,
Clerk.

DEPOSITION OF L. W. SLOAT.

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA.

SAN FRANCISCO, Feb'y 13, 1858.

On this day, before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Lewis Warrington Sloat, a witness produced on behalf of the United States in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Deposition taken according to notice from U. S. Attorney.

PRESENT —U. S. Attorney, by E. Randolph; Frederick Billings for claimant.

QUESTIONS BY U. S. ATTORNEY.

Ques. 1.—Your name, age, place of residence, and occupation?

Ans. 1.—Lewis Warrington Sloat; I am 42 years of age; I reside in San Francisco; I am a Commissioner for all the States and Conveyancer, &c.

Ques. 2.—Where were you from 1st January, 1846, until 1st June 1846, and what was your business during that time?

Ans. 2.—I was on board the frigate Savannah, in the harbor of Mazatlan, Mexico; I was secretary to Commodore Sloat, commander of the Pacific squadron.

Ques. 3.—Do you remember how often, during that period, there was any arrival by sea from Upper California, at the port of Mazatlan or San Blas?

(That part of the question relating to San Blas objected to, on the ground that the witness has not stated that he was there during that time.)

Ans. 3.—I do not remember; the arrivals were very few indeed.

Ques. 4.—What time did you leave the port of Mazatlan, at what place did you arrive, and when?

Ans. 4.—We left the port of Mazatlan in the Savannah on the 8th day of June, 1846, I think, and arrived at the port of Monterey, California, on the 2d of the following July.

Ques. 5.—Of about what date were the last communications received from Upper California, before you left Mazatlan?

Ans. 5.—I do not remember; it was sometime before we sailed that we had any communications. The principal modes of communication were by the men-of-war, and as all but the Warren had been sent up the coast preparatory to the difficulties with Mexico, it was not likely that we could have had any communication from up the coast through them; there might have been some coaster that arrived, but I do not remember any.

Ques. 6.—Look at the letter signed "J. D. Sloat," dated June 6, 1846, from the flag ship Savannah, addressed to the Secretary of the Navy, in Senate Document No. 75, of the 30th Congress, in the year 1848, and say if you know what Consul is there referred to, "the want of communication with, and information from the department and our Consul," &c.

Ans. 6.—I think at that time we had no Minister at Mexico, and that the Consul referred to was the U. S. Consul at the City of Mexico; I believe his name was Black.

Ques. 7.—Look at the letter signed Thomas O. Larkin, Consulate of the U. S., Monterey, California, March 9, 1846, addressed to John Parrott, Esq., U. S. Consul at Mazatlan, referring to the difficulties between Gen'l Castro and Capt. Fremont, about that time pending, (in the same document,) and say whether that letter had been handed to Commodore Sloat before you sailed?

Ans. 7.—I do not remember; I think not; I think the first information we got of the difficulties was after we arrived at Monterey.

Ques. 8. -- Upon what information then did you sail from Mazatlan?

Ans. 8.—From the information we received of the battles of Palo Alto and Resaca de la Palma. Commodore Sloat thought those were sufficient indications of war to justify him in taking possession of California.

Ques. 9.—What were your means, or what opportunities did you have while in Mazatlan of learning what information may have arrived at San Blas?

Ans. 9.—By coasters and men-of-war, and by the mail or post that came around by Tepic.

Ques. 10.—Before you left Mazatlan had any news from Upper California, bearing date at any time in the month of February, 1846, been received by you?

Ans. 10.—I do not remember.

CROSS-EXAMINATION—QUESTIONS BY F. BILLINGS FOR CLAIMANT.

Ques. 1.—Did you keep any diary or memorandum of events while you were on the Savannah?

Ans. 1.—No; no regular journal or diary; I sometimes kept copies of letters that I wrote home to my mother during the cruise; but I cannot say that I ever kept any copies of letters written from Mazatlan, but I might have done so.

Ques. 2.—Upon what do you depend now for recollection when questioned as to events occurring while you were at Mazatlan, or on board of the Savannah?

Ans. 2.—Upon my unaided memory.

Ques. 3.—Can you be certain, then, about matters transpiring so long ago?

Ans. 3.—Some of them were impressed upon my memory more fully than others, from the attendant circumstances; for instance, I remember the date of sailing from Mazatlan and arriving at Monterey, as we had a race with the English flag ship "Collingwood," and also the date of hoisting the flag at Monterey. I cannot be certain of the exact dates of matters transpiring so long ago, as a general thing; if I had heard anything about Capt. Fremont's difficulties, I think I should have remembered it.

Ques. 4.—As to general occurrences how is your memory as to events transpiring so long ago as when you were in Mazatlan?

Ans. 4.—Pretty good; I remember occurrences very well, but not the exact dates.

Ques. 5.—Unless your attention was particularly addressed at the time to general matters transpiring twelve years ago, would you rely upon your memory about them now?

Ans. 5.—Yes; if I remembered them at all I could rely upon my memory.

Ques. 6.—Would you be likely to remember them at all?

Ans. 6.—I think not.

DIRECT EXAMINATION RESUMED.

Ques. 1.—When you lay at Mazatlan, in the "Savannah," was not your attention particularly directed to Upper California, and all news received from that quarter a matter of great interest?

Ans. 1.—It was.

Ques. 2.—Before you sailed had you received any information of Capt. Fremont's arrival in Upper California?

(This and preceding question objected to as not called out by cross-examination, being either matter concluded in examination in chief, or new matter.)

Ans. 2.—I think not.

Ques. 3.—If you had received any such information would it not have been one of those matters which you would now be likely to remember; I mean the arrival of an expedition under an American army officer in California?

Ans. 3.—Yes, I think so.

L. W. SLOAT.

{ SEAL } Subscribed and sworn to before me this 13th Feb'y, 1858.

CUTLER McALLISTER,
U. S. Commr.

Counsel for claimant requires the Senate Document No. 75, 30th Congress, 1848, to portions of which witness' attention has been directed, and concerning communications in which he has been questioned, to be filed as an exhibit in connection with this deposition.

The U. S. Attorney objects because the document is already public.

Deposition taken subject to all exceptions except as to the form of the questions and answers.

{ SEAL }

CUTLER McALLISTER,
U. S. Commr.

Filed Sept. 6, 1858.

W. H. CHEVERS,
Clerk.

AFFIDAVIT OF A. C. PEACHY ON NECESSITY OF RECALLING JAS. ALEX. FORBES.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES,
vs.
ANDRES CASTILLERO.

A. C. Peachy, one of the claimant's attorneys, on oath says, that since James Alex'r Forbes was examined in the cause on behalf of the United States, the affiant, as the claimant's attorney, has come into possession of certain documents which affiant used all due diligence to obtain before the said Forbes was examined, but failed so to obtain them. And this affiant further says that said documents are material to rebut the inferences of fraud which the plaintiff will attempt to draw from the testimony of said Forbes, and will, when proved and put in evidence, utterly repel and refute all such inferences, as affiant believes; and that if the said witness is recalled the affiant believes that he will be able to prove said document by the said witness.

ARCH'D C. PEACHY.

Sworn to and subscribed, June 23, 1858, before me.

W. H. CHEVERS,
U. S. Commr.

Filed June 23, 1858.

W. H. CHEVERS,
Clerk.

ORDER FOR THE FURTHER EXAMINATION OF JAMES ALEX. FORBES, AND STIPULATION IN REGARD TO HIS EVIDENCE.

DISTRICT COURT OF THE UNITED STATES, FOR THE NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES, No. 420, D. C.
vs.
ANDRES CASTILLERO. No. 366, L. C.

On motion of A. C. Peachy, Esq., attorney for the claimant, sub-

mitted and taken under consideration by the Court, it is ordered that James Alexander Forbes, heretofore examined as a witness in this cause on behalf of the United States, be recalled for further cross-examination by the claimant; but that said witness, in respect to any further examination in this court, shall not be considered the witness of either party, and that either party shall have the right to cross-examine, or contradict, or impeach him, as if he were introduced by the opposite party.

And it is further ordered that either party may procure the attendance of said witness by subpoena, as in ordinary cases, and the party requiring his attendance and examination shall not be estopped thereby from cross-examiuing said witness, and contradicting and impeaching him, to the same extent as if he were offered as a witness by the opposite party.

OGDEN HOFFMAN,
U. S. Dist. Judge.

June 23d, 1858.

The foregoing order having been made *ex parte*, in the absence of the U. S. Dist. Attorney, and for the purpose of securing the attendance of the witness, who it is suggested to the Court is about to depart from this State, it is stipulated and understood by the attorney for the claimant that in case the U. S. Dist. Attorney shall object to the said order, and the Court shall be of the opinion that the same should not have been granted, it may be set aside and all proceedings had under it vacated.

ARCH'D C. PEACHEY.

San Francisco, 23d June, 1858.

Filed June 23, 1858.

W. H. CHEVERS,
Clerk.

ORDER RECALLING J. A. FORBES.

DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF CALIFORNIA.

THE UNITED STATES,
vs.
ANDRES CASTILLERO.

On motion of A. C. Peachy, Esq., attorney for the claimant, sub-

mitted and taken under consideration by the Court, it is ordered, that James Alexander Forbes, heretofore examined as a witness in this case on behalf of the United States, be recalled for further cross-examination by the claimant, the said cross-examination of the said Forbes to be conducted as if his former examination had been adjourned. This order to be entered in lieu of that made on the 23d day of this June, and to be considered as having been made on that day.

OGDEN HOFFMAN,
Dist. Judge.

Filed June 29, 1858.

W. H. CHEVERS,
Clerk.

DEPOSITION OF JAMES ALEX. FORBES.

UNITED STATES DISTRICT COURT, NORTHERN DISTTICT OF CALIFORNIA.

THE UNITED STATES,
vs.
ANDRES CASTILLERO,

San Francisco, June 30, '58.

On this day, before the district Court of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came James Alexander Forbes, a witness produced on behalf of the claimant in case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the prive land claims in the State of California, in case No. 366 on the docket of said Board of Commissioners, and was duly sworn and testified as follows:

PRESENT:—The District Attorney, and Mr. Peachy for claimant.

The witness having been heretofore examined in this Court on the 14th of December, 1857, this examination is resumed in pursuance of an order of this Court dated June 29th, 1858.

QUESTIONS BY COUNSEL FOR CLAIMANT.

Question 1.—Examine the letters now shown, dated respectively May 5th, 1847, 28th of October, 1849, and December 20th, 1849, the first of which is addressed to Alexander Forbes, the second to Wm. Forbes, and the third to Barron, Forbes & Co., of Tepic, and state by whom said letters were written, and whether they are the correspondence between yourself and the persons to whom they are addressed, and if they were written by you at their respective dates.

(The foregoing question is objected to as tending to introduce new matter not proper to be introduced on a cross examination.)

Answer.—These letters are in my hand-writing, signed by me, and directed to the parties to whom they are addressed, at the time of their respective dates.

In one of those papers there is a slip cut from a newspaper which I did not put there, though I may have done so. I desire to withdraw that last observation. I did not read the whole of the letter. It probably will explain it.

Mr. Peachy reads letter of May 5th, 1847, letter of October 28, 1849, and letter of December 20th, 1849.

(Letters offered in evidence objected to, marked O. H. X., No. 11, O. H. X., No. 12, O. H. X., No. 13.)

Question 2.—In the letter dated May 5th, 1847, to Mr. Alexander Forbes, you say "it is with much pleasure that I acknowledge the receipt of your letters by Mr. Walkinshaw." How long before the date of that letter had Mr. Walkinshaw arrived?

Answer.—I dont recollect.

Question 3.—Can you state whether it was a month?

Answer.—I cannot state what time; whether six months, or five months, or four months, has entirely escaped my recollection.

Question 4.—Having read your letter of May 5th, 1847, and refreshed your memory by its contents, can you not state with more positiveness than you did on your former examination, the extent of your knowledge of the contract made between McNamara and Alexander Forbes at Tepic, and the terms of its ratification by Castillero, in the city of Mexico, in December, 1846?

(The foregoing question is objected to as original matter not called out on the direct examination.)

Answer.—On the former occasion of my examination, I think I

stated that I did not then recollect whether I had seen the contract of Avio, but I did state that a copy of a document alluding to it was presented to me by Mr. Walkinshaw, in which Castillero obligated himself to obtain the ratification of his contract with Mr. Alexander Forbes, and which I, as the representative of four shares, in conformity with Mr. Alexander Forbes' wishes, did ratify, my ratification being a copy verbatim of that of Castillero, adding thereto that they should participate pro rata in any emoluments or grants obtained from the Mexican government.

Question 5.—In that letter of May 5th, 1847, you speak of the necessity of obtaining from the Government of Mexico a positive, formal, and unconditional grant of the two sitios of land conceded to Castillero according to the decree appended to the contract. Please state what contract and decree you refer to.

Answer.—I must refer to the copies of documents presented to me by Walkinshaw. Now I declare most unequivocally that I never saw any original document relating to the mine of New Almaden until 1849. I further declare that Mr. Walkinshaw informed me there was something wrong about the title; that it was incorrect, incomplete, inchoate. That it was true that Castillero did intend, or attempt to get the grant for two sitios, or was about doing it. That I in good faith did believe that Castillero had occupied himself with a solicitation for that grant, and that my observations with regard to that concession were not based upon the actual view of the original documents, but of copies shown me by Walkinshaw. I desire to add that in this letter allusion is made to privileges to be granted to the discoverers of quicksilver mines as expressed in the decree appended to the ordinanzas, and that in my ratification of the contract I also allude to those privileges, as well as any others the Mexican government might have thought proper to grant.

Question 6.—What part of this letter refers to those privileges?

Answer.—The witness reads the paragraph at the bottom of third page beginning:—" with respect to the ratification of the contract between yourself and McNamara," etc.

Question 7.—Is that the only portion of the letter which refers to those privileges?

Answer.—I think it is. I find in the letter a sentence in which a ratification of the juridical possession given of the mine by the local authorities, &c., is spoken of. This does not refer to the privileges given by the ordinanzas.

(Document purporting to be a notarial copy of the ratification of contract of Avio by Castillero, shown to witness.)

Question 8.—Did not Mr. Walkinshaw show you this identical paper when you made your ratification dated May 4, 1847?

Answer.—No sir. I do not recollect to have ever laid my eyes on that document until this present moment.

Question 9.—Did he show you no document of similar import at that time?

Answer.—He did present to me a document contained in a few sheets of paper, comprising the ratification of Castillero, of which I have spoken before, and from which I copied my ratification. It is possible it may have contained something about the two sitios; but I do state most unequivocally that I never saw that document now produced, before, to my recollection and knowledge.

Question 10.—In a previous answer you say, "I must refer to the copies of documents presented to me by Walkinshaw." Do you mean to say that the contract referred to in the question to which that statement was an answer, was set forth in those documents?

Answer.—I am unable to state from recollection.

Question 11.—How did you know that there had been any contract and decree?

Answer.—I think it was so stated to me by Mr. Wakinshaw. I think it possible that it might have been so expressed in the documents he showed me. It was about that time that it was impressed upon my mind by Walkinshaw that the documents were not correct.

Question 12.—What did you understand to be the contract and decree at the time you wrote the letter of May, 1847?

Answer.—I understood it to be the contract of Avio. I can't recall to my recollection what was the decree. It must have been the decree granting two sitios to Castillero, which Walkinshaw also informed me was incorrect.

Question 13.—Do you mean the original contract of Avio made by McNamara in Tepic, or the ratification thereof by Castillero in Mexico?

Answer.—I think I must have meant the contract of Avio made between McNamara and Mr. Alexander Forbes.

Question 14.—Was there any decree appended to that contract?

Answer.—I don't recollect.

Question 15.—When you wrote this letter must you not have referred therein to a contract to which a decree was appended?

Answer.—Yes, I must have referred to the document presented to me by Walkinshaw. He might have showed me a synopsis of the contract of Avio.

Question 16.—In your letter of May 5th, 1847, you say: "This departmental government is completely 'acefalo,' in consequence of which the possession of the two sitios ordered to be given by the dispatch of Señor Castillo Lanzas has not been obtained, &c.," what dispatch do you allude to?

Answer.—I allude to information I received from Mr. Walkinshaw

on his arrival in California, when he received the possession of the mine from me. He informed me that Castillero had succeeded in getting an order for a grant of two sitios.

Question 17.—Did you not then consider the dispatch spoken of by you to be the same as the decree appended to the contract?

Answer.—It is quite probable I did.

Question 18.—How did you know that Castillero had bound himself in his ratification of the Avio made by McNamara with Alexander Forbes, to obtain the explicit consent and ratification of the said contract on the part of his copartners in California, as stated by you in your ratification?

Answer.—I have already stated that I copied my ratification from a document which was a copy, not of the whole contract of Avio, but of Castillero's ratification.

Question 19.—Did not Castillero's ratification set forth in full the contract of Avio between McNamara and Alexander Forbes?

Answer.—I do not recollect that it did.

Question 20.—Did it not give to the company during the term of their lease or Avio the usufruct of two leagues of land granted to him in colonization by the Mexican government?

Answer.—I think it was so stated in the documents presented to me by Walkinshaw on that occasion.

Question 21.—Did it not also state that a copy of Castillero's title to the said two leagues would be appended to the instrument of ratification?

Answer.—I do not recollect anything about that.

Question 22.—When in your ratification you granted to the company all the concessions and privileges which the Supreme Government of Mexico may have granted, did you not refer to the two sitios as such concession?

Answer.—I think the clause alluded to by counsel is a conditional clause inserted by me in that ratification in favor of my constituents.

Question 23.—In your letter of October 28th, 1849, you speak of the necessity of obtaining from the government of Mexico the full and positive grant of the two sitios of land upon the mine of New Almaden, under the date of the order to Castillero from Castillo Lanzas. Is this order the same as that referred to by you in your letter of May 5th, 1847?

Answer.—It is.

Question 24.—In your letter of December 20th, 1849, you state, speaking of Castillero, that two sitios of land are conceded to him, "como colono," on the mining possession of the quicksilver mine discovered in the Mission of Santa Clara; do you refer there to the same land which was mentioned in the dispatch and decree referred to by you in your letter of May 5th, 1847, and in your letter of October 28th, 1849?

Answer.—I refer, on those occasions, to copies of documents shown me by Walkinshaw on his arrival in California to assume the charge of the mine.

EXAMINED BY COUNSEL FOR THE UNITED STATES.

Question 1.—You remarked just now that before you left the stand you would explain the reasons why you used all the expressions on which you have been interrogated. Please give these explanations now.

Answer.—According to the expressions in the documents shown me by Mr. Walkinshaw, I became aware of the fact that there was a discrepancy, or rather a vagueness in the document presented to me purporting to be a copy of an order to put Castillero in possession of the two sitios.

Question 2.—You have spoken of one McNamara as being a party to a certain contract of Avio. Did you see him at Santa Barbara in the present State of California sometime in June, 1846?

Answer.—I did.

Question 3.—Had he not come to Santa Barbara early in June 1846, in the English frigate "Juno"?

Answer.—He had.

Question 4.—Did you not yourself make a trip from San Pedro to Santa Barbara on that frigate, in that month, on learning that McNamara had come to Santa Barbara?

Answer.—I did.

Question 5.—Did you not see McNamara in July, 1846? If yea, where?

Answer.—In the beginning of July, 1846, I left him in Santa Barbara, and saw him in Monterey the same month.

Question 6.—Did he remain in Santa Barbara from the time you first saw him, in June, until you left, early in July?

Answer.—He did.

Question 7.—How long did he remain in Monterey, or the upper part of California, after you saw him in Monterey in July?

Answer.—Four or five days. McNamara left Santa Barbara for Los Angeles on the same day that I left Santa Barbara for the north.

Question 8.—About what time in July did he arrive in Monterey?

Answer.—I think about the 18th of July, because I arrived there from San Francisco on the 17th. The following day McNamara arrived from the South.

Question 9.—About five days after his arrival did he not leave the country on the British ship-of-war "Collingwood," bound for the Sandwich Islands?

Answer.—He did.

Question 19.—Did you receive a letter from him while he was in the Sandwich Islands?

Answer.—I did.

Question 11.—Can you produce it?

Answer.—I think I have it, but not here.

Question 12.—Is McNamara living or dead?

Answer.—He is dead, as I have been informed. He died, as I have been told, in 1847. It must have been later, because in 1847 he left the coast of Mexico and went around Cape Horn. I had intelligence in 1848 or 1849 that he was dead.

Question 13.—Have you retained a copy of the letter dated May 5th, 1847?

Answer.—I think not.

Question 14.—Was that letter transmitted to Alexander Forbes?

Answer.—It was.

Question 15.—By what conveyance?

Answer.—I can't recollect.

(Signed) JAMES ALEXANDER FORBES.

Taken and subscribed in open Court, this 30th June, 1858.

(Signed) OGDEN HOFFMAN,
District Judge.

O. H. X.—No. 11.

[*Private.*]

SANTA CLARA, 5th May, 1847.

MY DEAR SIR:

It is with much pleasure that I acknowledge the receipt of your letters by Mr. Walkinshaw, and another of the 27th of January.

I have much satisfaction to inform you that Mr. Walkinshaw has taken quiet possession of the quicksilver mine, by virtue of your agreement with Mr. Macnamara, and has made the necessary assays and observations for his entire satisfaction, which will be welcome intelligence to you.

I have done everything that I possibly could do for the advancement of your views in this undertaking, and have communicated to Mr. Walkinshaw all the information relative to the necessary measures that must be taken in order to preclude the possibility of suffering an intrusion by the Americans, or any other persons who may find a pre-

text for litigation, and I now lay before you my views, that you may see the necessity for immediate action.

It is of the most vital importance to obtain from the Supreme Government of Mexico, a positive, formal, and unconditional grant of the two sitios of land conceded to D. Andrés Castillero, according to the decree appended to the contract, and also an unqualified ratification of the juridical possession which was given of the mine by the local authority of this jurisdiction, including, if possible, the three thousand varas of land given in that possession as a gratification to the discoverers. The documents should be made out in the name of D. Andrés Castillero and Socios. I think that it will not be difficult to obtain these documents, on making known to the Supreme Government that this Departmental Government is completely "acefalo"; in consequence of which the possession of the two sitios ordered to be given by the despatch of Señor Castillo Lanzas, has not been obtained, nor cannot be obtained, nor even mentioned without imminent risk of opposition on the part of the American Government in this Department. It is indispensable that the title and ratification of possession should be of the date of the decree of Sōr Lanzas.

It is of great importance also to the future security of *all* titles to land in California, that Her Majesty's Minister at Mexico be advised of the expediency of using his influence with the Government, in case of a cession of California to the United States, (which God forbid,) that there should be inserted in the treaty of cession a distinct and special clause that all titles of land that may have been granted by the Departmental Government to British subjects, even if they be not according to all the prescribed forms of colonization law, be held inviolable and valid.

There is a sufficient quantity of land in the vicinity of the mine to supply the grant of the two sitios without encroaching upon the land of Berreyesa, whose title Castillero tells you is but for one sitio. This is true with respect to his first title, which was given by Don Manuel Jimeno, as Gobernador interino, during the administration of Alvarado. But Berreyesa afterwards made a representation to Micheltorena, and obtained the other sitio; he, however, did not obtain his juridical possession of the land.

With respect to the ratification of the contract between yourself and Mr. Macnamara, for the habilitacion of the mine, as promised by Don Andrés Castillero, I, as attorney or procurator of the two Robles, send that document, in which I ratify (in their name) the contract, and make allusion to the privileges conceded by the Mexican Government to the owners of Quicksilver mines; for, in lieu of those privileges, it was expressly stipulated by D. Andrés Castillero and his Socios that they should all participate in the two sitios of land to be asked of the Departmental Government.

This will also be advantageous to you, independent of its justice.

I have made an arrangement with Mr. Walkinshaw for the extraction of the ores that I have taken out of the mine, for our mutual account, in the manner that is expressed in a contract made between us, which will, of course, be manifested to you.

I have only to add that you shall surely rely on me, as you have been so pleased to honor me with the title of a friend, which I shall be proud to prove to you. I shall stand between all difficulties that may occur on the part of these new and arbitrary Governors of California, or any other person; trusting to hear of your speedy measures in relation to the title, &c.,

I am, my dear sir, your most obedient servant,

(Signed) JAMES ALEX. FORBES.

ALEX. FORBES, ESQ.

O. H. X.—No. 12.

[*Private.*]

SAN FRANCISCO, 28th October, 1849.

WM. FORBES, ESQ.,

My Dear Sir:

I have been detained here until the present moment, occupied in carrying out the arrangements explained to B., F. & Co. in my letters to them, of yesterday's date, and to which I beg to refer you. My reasons for purchasing the land of that part of the farm of the Berreyesas which I pointed out (to Mr. Alex. Forbes and yourself,) on the map of New Almaden, are, 1st, because I fear the destruction of some important papers of the original registry of the mine, and which I believe will be effected, or, that on those very documents of registry a question will arise as to the legality of the possession. 2d. Because no posterior grant of the Government could authorize the occupation of the land of the Berreyesas, on which the mine is declared to be situated in the original expediente of registry. 3d. Because I am convinced that Walkinshaw and his party have endeavored to make the purchase of the land, fearing that the denunciation will prove fruitless, in all of which cases they will come forward as the owners of the land comprising the mine and hacienda. Therefore, it is a great risk for me to disregard the claims of the Berreyesas, and to set up a dispute upon boundaries, when I am uncertain as to the production of the documents held by Walkinshaw, and of the validity (in the accursed courts of this country) of the original registry of the mine. In the present state of affairs you may rest assured that the

most prudent and safest measure is that which I have adopted, and which I hope to carry out effectually.

I send herewith a copy, of the fraudulent purchase negotiated by Games, the brother-in-law of Walkinshaw, in connection with Shillaber, from the Sandwich Islands. This transaction was effected in the following manner. Walkinshaw and Games had been negotiating for some time previous with the widow Berreyesa and one of her sons, (to whom he, Walkinshaw, had loaned the thousand dollars in gold dust on the security of that son's share in the farm, and of which you were informed by me in Tepic,) for the purchase of the aforesaid part of the farm. During these negotiations, the widow and her family became aware that something more important than the land and wood was contemplated in the purchase of that part of the farm, and consequently they advanced their demand of price.

In this stage of affairs, the denunciation of the mine by the attorney of Walkinshaw is entered before the Alcalde, who was already prepared for the matter. This suit is commenced against me, and on Saturday the 20th, the rascal of Games and Shillaber prevailed upon two of the Berreyesas to sign a contract to sell the aforesaid portion of the farm, (as per copy herewith enclosed,) under the condition that the rest of the heirs should be made aware of that contract to obtain their consent and their signatures to the contract, and to give a formal deed of sale ; but that before the delivery of the deed, the whole amount of purchase money should be paid. On the 21st, I left the mine, and on my arrival in San José, found that the widow Berreyesa had not signed any contract, nor had she given any person authority to sign for her. That Games had told the signing parties to sign for "los interesados," and for her. I then informed the widow that the whole transaction was a fraud, and that she would be thrown into a law-suit with me as agent of the owners of the mine. That, in order to avoid this evil, she should send her sons instantly to declare null and void the aforesaid contract, as it was entirely void.

This measure was carried out effectively, and that moment Shillaber offered twenty-five thousand dollars for the land, but no money was forthcoming. The parties refused any further overtures with Shillaber, and I immediately sent one of the heirs to Sonoma to obtain the signatures of three of the other heirs, and to-morrow I hope to conclude this purchase for the sum of thirty thousand dollars. I should have said that Walkinshaw, in his eagerness to attain his object, delivered up to young Berreyesa the bond which he had received for the payment of twelve hundred dollars, and which bond Walkinshaw held as a lien upon the farm. The gold dust had been tendered to Walkinshaw several times,

but he constantly refused, and on the morning of the 21st, Berreyesa paid the gold dust and received the bond, which he destroyed.

I now desire to call your attention to the following important matter. In order to secure the possession of the land which was granted to Castillero and his associates, upon the mining possession of New Almaden, you must bear in mind that that document was not recorded in this country, but that it remains in the hands of Walkinshaw ; that in all probability it will be destroyed, if it has not been destroyed already. That in view of these facts, and the deep plans laid by Walkinshaw, it behooves you to obtain from the Supreme Government of Mexico, the full and positive grant of the two sitios of land upon the mine of New Almaden, under the date of the order to Castillero from Castillo Lanzas, bearing in mind that this grant must express the entire approbation of the Supreme Government, of all the concessions made by the local authorities, or Alcaldes, of the district of San José, of the original grant or registration of the mine. That grant must be recorded under the date of its concession, and certified copies of the whole must be obtained and authenticated by the British Consul at Mexico, and at the earliest possible moment be sent to me.

The boundaries must be expressed as joining on the north and north-west by lands of the Ranchos de San Vicente, and de los Capitancillos, and on the east, south and west by Serrania or terrenos Valdios.

The moments are pressing, and I write hurriedly. If possible, I shall advise you by this packet of the result of my operations.

I remain, my dear sir, yours most truly,

(Signed,) JAS. ALEX. FORBES.

O. H. X.—No. 13.

NEW ALMADEN, 20th Dec, 1849.

MESSRS. BARRON, FORBES, & Co., Tepic :

GENTLEMEN :—I have the pleasure to reply to your esteemed favor, dated the 13th ult., enclosing a certified copy of the grant of the two sitios of land to Dn. Andrés Castillero, upon this mining possession ; and in obedience to your request, I shall now state why this document is not sufficient to secure this property from the insidious attacks of Mr. Walkinshaw and his associates, or other villains, who are awaiting an opportunity of annulling the title of the same.

The grant, after making allusion to the proceedings of Castillero and the local authorities, without any explicit statement, goes on to state that two sitios of land are conceded to him "como colono" upon the mining possession of the Quicksilver mine he discovered in the *Mision of Santa Clara;* while the original documents of the mine and the contract of "habilitacion," declare that the mine is situated on the lands of José Reyes Berreyesa. Now it is evident that this oversight has been observed by Walkinshaw, and hence his vociferations, and those of his attorney, demanding the production of the title to the hacienda and to the mine. And from this circumstance also are we to seek for the origin of the purchase of that part of the land of the Berreyesas, which I pointed out to your Mr. Wm. Forbes on the map, and which Walkinshaw and his associates supposed included the mine. I was also of the belief that the title of the Berreyesas would include the mine and hacienda, until I obtained correct information from the Surveyor, as to the nature of the survey made by him, and of which fact you are already informed.

In order to remedy the great oversight of Castillero in omitting the particular identification of the two sitios of land, and the positive approbation of all the acts of the local authority of California in the concession of the mine, the following is the method to be pursued with the least possible delay: Castillero, or some other fit person, must obtain from the Supreme Government of Mexico, a positive, explicit and unconditional grant of the two sitios of land. In this document particular reference must be made to the concession of the mine by the Alcalde of San José, approving of the said concession, and conceding to said Castillero and his associates, in place of the three thousand varas, the said two sitios of land, citing dates, and making that of the said grant to correspond with the imperfect and ambiguous document of which you have sent me the copy. Of course, Castillero will be aware of the necessity of having this document recorded in Mexico, and perhaps it would be advisable, for his information, to state to him the boundaries expressed in my letters to Messrs. William and Alex. Forbes, with any other particulars that may be requisite in order to enable him to accomplish the desired end. I know not what conditions Castillero may have proposed to the Supreme Government of Mexico, but, whatever they may have been, they, of course, cannot be fulfilled in California by reason of the change of government. No juridical possession was given of the two sitios of land, which constitutes, in reality, that occupied by this hacienda, but which the document granted to Castillero declares to be in the Mission of Santa Clara, between the lands of which and this mine, there is a space of five leagues of

land belonging to private individuals! This discrepancy is well known to Walkinshaw, who confided in the ability of the rascal attorney whom he induced to denounce this mine, and in the pecuniary means of Theodore Shillaber, (who holds the bills of exchange which were remitted to Walkinshaw by Mr. Alex. Forbes, in my case, as a contribution, on the part of Walkinshaw, for his part of the payment of the fraudulent purchase of the Berreyesa land,) to obtain the land adjoining this hacienda and mine, so that by either of these plans he might attain his object, in appropiating to himself and his associates the whole of this property. But, thank God, I have been able to frustrate those iniquitous plots. Yet this transaction has become so public, and has been so commented upon, that I feel much concerned for the ultimate result of the attacks upon this property, and I shall only feel safe when I shall have the described document.

I pray you will not be deluded into any belief that there will be no necessity for obtaining the document herein described. I have desisted from the purchase of the Berreyesa land, in order to obtain a sure and effective final defence for the property, but meantime, I have much trouble in entertaining the Berreyesas, in order to frustrate the plots and macinations of Walkinshaw and his associates.

Hoping that this subject will receive an immediate action,

I remain, gentlemen, yours faithfully,

(Signed,) JAS. ALEX. FORBES.

(NEWSPAPER ADVERTISEMENT ENCLOSED IN "O. H. X. No. 13.")

EXCHANGE ON ENGLAND.

£3,000, *at* 30 *days' sight, drawn by the Clydesdale Banking Company, Glasgow, on their agents, Messrs. Barnetts, Hoare, & Co., Bankers, London.* *For sale by*

THEODORE SHILLABER,

45- *Corner Sacramento and Kearney sts.*

Filed June 30th, 1858.

W. H. CHEVERS, Dep. Clerk.

MOTION TO EXAMINE ROBERT BIRNIE, AND JAMES ALEXANDER FORBES.

UNITED STATES DISTRICT COURT.
July 14th, 1858.

THE UNITED STATES
v.
ANDRES CASTILLERO. } No. 420.

And now comes P. Della Torre, Esq., United States Attorney, and moves that Robert Birnie and James Alexander Forbes be examined on the part of the United States, on giving one hour's notice to the Attorneys for the Claimant, and for cause shows that it is indispensable to the interests of justice, and of paramount importance to the United States that the said witnesses should be examined without delay.

P. DELLA TORRE,
U. S. Att'y.

ORDER TO EXAMINE ROBERT BIRNIE AND JAMES ALEXANDER FORBES.

At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the Court Room, in the City of San Francisco, on Wednesday, the fourteenth day of July, in the year of our Lord one thousand eight hundred and fifty-eight.

Present: The Hon. M. HALL McALLISTER, Circuit Judge.

THE UNITED STATES,
v.
ANDRES CASTILLERO. } No. 420.

And now on this day, on motion of P. Della Torre, Esq., United States Attorney, and for cause shown:

It is ordered that the United States have leave to examine and take the testimony of Robert Birnie and James Alexander Forbes, witnesses in behalf of the United States, on giving one hours notice to the Counsel of the Claimant.

M. HALL McALLISTER,
Judge Circuit Court, for
District California.

DEPOSITION OF ROBERT BIRNIE.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
vs.
ANDRES CASTILLERO.

SAN FRANCISCO, July 14, 1858.

On this day, before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, &c., &c., came Robert Birnie, a witness produced on behalf of the United States, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the Docket of the said Commissioners, and was duly sworn and testified as follows:

PRESENT: The United States District Attorney, and E. Randolph, Esq.; A. C. Peachy for Claimant.

QUESTIONS BY U. S. ATTORNEY.

Question 1.—Your name, age, and place of residence?

Answer 1.—Robert Birnie; 33 years of age; I reside in Oakland.

Ques. 2.—How long have you resided in California?

Ans. 2.—Since '41; with the exception of three years from the spring of '45 to the spring of '48.

Ques. 10.—Do you know James Alexander Forbes of Santa Clara?

Ans. 10.—I do.

Ques. 11.—Have you ever been in his employment, if yea, when, where, and in what capacity?

Ans. 11.—I have been in his employment from the fall of 1849 to the summer of 1850, as clerk.

Ques. 12.—Were you in his employment at any time during the year 1848?

Ans. 12.—I was.

Ques. 13.—Now state where and in what capacity yon were in his employment.

Ans. 13.—In Santa Clara and New Almaden, keeping his accounts and correspondence.

Ques. 14.—Did you keep the accounts and correspondence during the time that you were in his employment at New Almaden, and what else besides did you do during that time?

Ans. 14.—I did keep the accounts and correspondence during that time while at New Almaden, and paid the men besides.

Ques. 15.—With whom was that correspondence held?

Ans. 15.—Between James Alexander Forbes, and the house of Barron, Forbes & Co.

Ques. 16.—What members of the house of Barron, Forbes & Co., if you can recollect any of their names?

Ans. 16.—William Forbes and Alexander Forbes.

Ques. 17.—How did you keep that correspondence; what had you to do about it?

Ans. 17.—Copy all James Alexander Forbes' letters to them, and file all letters from William Forbes and Alexander Forbes.

Ques. 18.—Did you in that manner become acquainted with the handwriting of William Forbes and Alexander Forbes, so as to identify it wherever you might see it?

(Question objected to as leading.)

Ans. 18.—I was not very familiar with William Forbes' handwriting; but I filed a good many of Mr. Alexander Forbes' letters in 1848, a desk full of letters that James A. Forbes had omitted to file. They were not all in Alexander Forbes' handwriting; but a great many of them were; I could identify these handwritings wherever I might see them.

Ques. 19.—With which handwriting are you best acquainted; that of William Forbes or Alexander Forbes?

Ans. 19.—Alexander Forbes.

Ques. 20.—Were you ever employed by Mr. James Alexander Forbes to sell, or to dispose of in any manner, or to any person, any part of that correspondence?

Ans. 20.—I was not.

Ques. 21.—Were you ever employed to obtain by purchase or otherwise, any of that correspondence, or any paper relative to the mine of New Almaden?

Ans. 21.—I was employed to search for a document purporting to be a title to the mine of New Almaden to Castillero.

Ques. 22.—When and by whom were you so employed?

Ans. 22.—In January or February last, I am not certain which, by Mr. Barron.

Ques. 23.—What Mr. Barron?

Ans. 23.—Mr. Barron of the firm of Bolton, Barron & Co.

Ques. 24.—What sort of a document was it that you were employed to find?

Ans. 24.—I understood from Mr. Barron that it was a document addressed to Castillero relative to the mine of New Almaden, which was left Alexander Forbes in Monterey.

Ques. 25.—You say relative to the mine; do you remember in what manner it was said to relate to the mine?

Ans. 25.—I think it was an order to the Governor of California to put Castillero into possession; or something of that nature.

Ques. 26.—In posssession of what?

Ans. 26.—The mlne of New Almaden, or the lands, I do not know how much.

Ques. 27.—What lands do you mean?

Ans. 27.—I understood it to be the lands where the mine is situated.

Ques. 28.—Did Mr. Barron instruct you where to look for that document?

Ans. 28.—He did not.

Ques. 29.—Well, where were you to look for that document?

Ans. 29.—I was not instructed to go to any certain place to look for it.

Ques. 30.—You have been told, you say, that it had been deposited at Monterey; did you go there to look for it?

Ans. 30.—I did not.

Ques. 31.—Where did you go to look for it?

Ans. 31.—I went to see James Alexander Forbes, to get some information about it.

Ques. 32.—Did he give you any?

(Question objected to, as giving in evidence Mr. Forbes' declaration.)

Ans. 32.—He did not.

Ques. 33.—Did you continue to search for the document?

Ans. 33.—I did not.

Ques. 34.—Why did you not continue your search for it?

Ans. 34.—Because I thought that if Mr. Forbes could give me no information, it was of no use for me to look for it.

Ques. 35.—Did you report to Mr. Barron, and if yea, what did you report?

Ans. 35.—I did not report to Mr. Barron at that time.

Ques. 36.—Did you at any other time, and if so, what report did you make with regard to your search?

Ans. 36.—I made my report to Mr. Bolton and Mr. Billings, of my unsuccessful search.

Ques. 37.—Did you not at any time make a report of your unsuccessful search to Mr. Barron?

Ans. 37.—I did.

Ques. 38.—Did you inform him where you had applied for that document?

Ans. 38.—I did.

Ques. 39.—Were you employed to search for and obtain any other

documents or papers relative to New Almaden, if yea, from whom and by whom were you employed?

Ans. 39.—I was, by Mr. Bolton and Mr. Billings; I was to get them from James Alexander Forbes.

Ques. 40.—Get what?

Ans. 40.—Any documents that would be prejudicial to the mine.

Ques. 41.—Were you, or were you not, also spoken to to the same effect, at any time, by Mr. Barron?

Ans. 41.—After Mr. Barron came from Mexico, I made my reports to him; he asked me to go and try and get a copy of any papers that Mr. J. A. Forbes might have.

Ques. 42.—Did you apply to J. A. Forbes for any such papers, and if yea, did you get any?

Ans. 42.—I did apply to him.

Ques. 43.—Did he inform you whether he had any such papers?

Ans. 43.—He did; he informed me that he had papers which were prejudicial to the mine.

Ques. 44.—Did you report what Mr. Forbes said, and if yea, to whom did you report it?

Ans. 44.—I reported it to Messrs. Bolton, Billings and Barron.

Ques. 45.—What answer did they make to your report? What did they say to you when you reported to them?

Ans. 45.—Mr. Bolton and Mr. Billings said that they would pay liberally for any documents that Mr. Forbes might have in his possession that would be injurious to the mine, and also pay me liberally for my services.

Ques. 46.—Did Mr. Barron say anything to you on the same subject after he got back from the East or Mexico?

Ans. 46.—I have already said that he asked me to get a copy of it to see what it was.

Ques. 47.—Did you make any proposal to Mr. Forbes for any paper or papers, which he said he had prejudicial to the mine, as you had been requested to do?

Ans. 47.—I did.

Ques. 48.—What was the result of that proposal?

Ans. 48.—Mr. Forbes objected to having anything to do with any of the agents of Bolton, Barron & Co.

Ques. 50.—Did you afterwards get any paper from Mr. J. A. Forbes, and if yea, what was it?

Ans. 50.—I got a copy of a letter from James Alexander Forbes.

Ques. 51.—Did you make the copy yourself or not?

Ans. 51;—I made the copy myself.

Ques. 52.—By whom was the letter written; to whom directed; when and where dated?

Ans. 52.—It was a letter directed to James Alexander Forbes from

Alexander Forbes, dated (I believe) 28th March, 1848, from Monterey.

Ques. 53.—When did you make that copy and where?

Ans. 53.—I made it somewhere in the latter part of June, 1858, in a room at the Rail Road House, in this city.

Ques. 54.—Have you got that copy now in your posssession?

Ans. 54.—No.

Ques. 55.—What did you do with it?

Ans. 55.—I left it with Mr. Barron.

(Counsel for United States asks the Counsel for Claimant to produce the paper referred to by the witness.)

(Counsel for the Claimant makes no answer to the demand.)

(Counsel for the Claimant says that if he had supposed it possible that the Counsel for the United States would require of him to produce a document said to belong to his client, without notice, that he might have answered the demand of the Counsel for the United States, and caused his reply to be inserted in this deposition.)

(Counsel for the United States consents that the Counsel of the Claimant may hand the paper in question to the Commissioner at any time to suit his own convenience, to be attached to this deposition.)

Ques. 56.—If you were to see another copy of the same letter, would you be enabled to swear to its identity with that which you left with Mr. Barron?

Ans. 56.—I think I could.

Ques. 57.—Look at the paper now shown you, marked "Exhibit X. C McA." and say whether that is another copy of the same letter, a copy of which you left with Mr. Barron?

(Question objected to because it asks the witness to identify the paper as the copy of a copy, not compared by the witness with the latter. Secondly, Because the copy alleged by the witness to have been made by him, would not be admissable if produced, the existence of the original having been stated by the same witness and its custody pointed out, and its subsequent loss not proven.)

Ans. 57.—I did not get my copy from this, I took my copy from the handwriting of Alexander Forbes; it is the same thing with the copy I left with Mr. Barron.

Ques. 58. How did you induce Mr. J. A. Forbes to allow you to copy that letter?

Ans. 58.—By asking him as a great favor.

Ques. 59.—Repeat fully what you said to Mr. Forbes to induce him to allow you to make a copy of that letter, and what, if anything, he said to you, at the same time, on that subject.

(The latter part of the question objected to by the Counsel for Claimant.)

Ans. 59.—I told him the reason I wanted a copy was to show Messrs. Bolton & Barron that I faithfully performed my duty; he at first objected, and said he was going to deliver the document into the hands of the United States District Attorney. I begged of him not to do it until he had given me a copy, he finally consented to do me that favor.

(Objection to latter part of question withdrawn by Claimant's Attorney.)

Ques. 60.—Were you paid anything, and if so by whom, and how much, for your services in getting that copy?

Ans. 60.—I got $400 the day that I gave that copy; I did not get the whole amount at the time; I got $200 that time, and $200 a few days afterwards; Mr. Barron paid me.

Ques. 61.—Did Mr. Barron say anything to you about the original letter at the time when he paid you for the copy, or afterwards?

Ans. 61.—He did not at that time; he said afterwards that he could explain that letter away.

Ques. 62.—Did he or not express any willingness to buy that original, at or about the time when he said he could explain it away?

Ans. 62.—Not after I gave him the copy.

Ques. 63.—About what day was it on which you gave him the copy?

Ans. 63.—It was the day after Mr. Forbes' last examination before the District Court.

Ques. 64.—Was it at that time that Mr. Barron said he did not care about buying the original?

Ans. 64.—It was after I gave him the copy.

(It is admitted that J. A. Forbes' last examination referred to, took place on 30th June, 1858.)

Ques. 65.—When Barron paid you, did he say what you were to consider it was for?

Ans. 65.—When he paid me he told me to consider it as payment for my exertions in trying to procure that first document that I have spoken of.

Ques. 66.—By that first document do you mean the grant to Castillero, said to have been left at Monterey?

Ans. 66.—Yes.

Ques. 67.—Was the sum of $400 all that you have been paid by Mr. Barron?

Ans. 67.—My traveling expenses were paid.

Ques. 68.—Where did you travel?

Ans. 68.—From San Francisco to Oakland, San José, Santa Clara.

Ques. 69.—How often did you go to Santa Clara for Mr. Barron?

Ans. 69.—Four or five times.

Ques. 70.—How much were you paid for your traveling expenses?

Ans. 70.—I do not recollect; between $200 and $300.

Ques. 71.—How far is it from here to San José or Santa Clara; and what is the fare by steamboat or stage to those places?

Ans. 71.—It is about fifty-four miles to both places, they are only three miles apart; the fare is from two and a half to four dollars.

ROBERT BIRNIE.

Examination adjourned until to-morrow, July 15th, 1858, at 12 o'clock.

SAN FRANCISCO, July 15, 1858.

DEPOSITION OF ROBERT BIRNIE, THIS DAY CONTINUED.

PRESENT; United States Attorney, and E. Randolph; A. C. Peachy, for Claimant.

(The U. S. Attorney offers in evidence the letter marked "Exhibit X., C. McA., heretofore annexed to this deposition.)

(Attorney of Claimants objects to the admission of the Exhibit. 1st. Because it is not a properly proved copy. 2d. Because the original is not proved to be lost, or for any other reason out of the power of the United States to produce. 3d. Because it purports to be a declaration of one tenant in common and lessee, against the title of his co-tenan s and lessors. 4th. Because it appears to be on its face a declaration made by Alexander Forbes in his own favor, it appearing in said paper to have been his interest to cast a cloud upon the title, in order that he might thereby purchase at a cheaper rate, certain shares in the mine and land of New Almaden, from the person to whom the letter was addressed. 5th. For all other substantial reasons.)

CROSS-EXAMINATION.

QUESTIONS BY ATTORNEY FOR CLAIMANT.

Ques. 1.—What is your native place?

Ans. 1.—Oregon.

Ques. 2.—Were you born an American citizen?

Ans. 2.—I was born in Astoria, on the south side of the Columbia River.

Ques. 3.—How long have you known James Alexander Forbes?

Ans. 3.—Since 1841; not before 1841.

Ques. 4.—What was your occupation when you first arrived in California?

Ans 4.—Clerk for the Hudson's Bay Company.

Ques. 5.—Was Mr. J. A. Forbes in California at that time?

Ans. 5.—He was.

Ques. 6.—What was his business at that time?

Ans. 6.—While I knew him he was acting as agent for the Hudson's Bay Company, assisting Mr. Rae in entering vessels at Monterey.

Ques. 7.—Where did you live from the time you came to California, until the time when you first became Mr. J. A. Forbes' clerk?

Ans. 7.—From the fall of 1841, to January, 1842, I lived in San Francisco; from January 1842, to July 1842, at the Sandwich Islands; from August 1842, to April 1845, part of the time in San Francisco, part of the time in Santa Barbara, and the remainder of the time up and down the coast as clerk of a vessel called the "Juan José." From spring of 1845 I went up to Oregon, remained there and got back to San Francisco about 9th April, 1848; then I went up to Santa Clara, and remained with James Alexander Forbes, as his clerk.

Ques. 8.—From the time that you first saw Mr. J. A. Forbes, up to the time that you became his clerk, were your relations with him very intimate?

Ans. 8.—No sir.

Ques. 9.—Have they been so since you were his clerk?

Ans. 9.—Yes sir.

Ques. 10.—Were you present when Laurencel and Forbes were examined in this case in December last?

Ans. 10.—I was present part of the time during James A. Forbes' examination; but was not present at the examination of Laurancel.

Ques. 16.—Were you not present in Court on the examination of Benjamin Davidson, or of Henry Laurencel, or of G. W. P. Bissell, when J. A. Forbes claimed the papers which the counsel for the United States had in their possession, as his property?

Ans. 11.—I was not present.

Ques. 12.—Where were you then, about 28th and 29th November, 1857?

Ans. 12.—I must have been in Oakland. I was here during the first day of J. A. Forbes' examination, but was not in Court at the commencement of it.

Ques. 13.—Were you not in Court very frequently during that examination of Forbes?

Ans. 13.—I was, excepting the two last days.

Ques. 14.—During the course of that examination or shortly afterwards, did you not seek Mr. Wm. E. Barron, for the purpose of being engaged by him to have communication with James A. Forbes?

Ans. 14.—I did seek to be employed by Wm. E. Barron: I told Wm. E. Barron at that time that I thought Mr. Forbes was acting very strangely about the matter; and as I had always taken a great deal of interest for the welfare of that mine, as I had been employed by that company before, I did not like Mr. Forbes to take such active steps to overthrow the title to the mine; I then spoke to Mr. Forbes as a friend, to try and smooth everything as quietly as he could; I told that to Mr. Wm. E. Barron, not for the interest, for any pay, or expectation of being employed by them.

Ques. 15.—How often did you see Mr. Barron at that time on that subject; I mean before you were engaged to endeavor to procure the document addressed to Castillero, of which you spoke yesterday?

Ans. 15.—I cannot tell how often I saw him in the course of the examination, but do not think I saw him after that time, until he sent for me.

Ques. 16.—Did not Mr. Barron, owing to your personal relations with Mr. Forbes, engage your services to endeavor to procure from Mr. Forbes the copy of the communication from Castillo Lanzas to the Governor of California, which was referred to in the letter of Alexander Forbes to J. A. Forbes, dated Tepic, 1st Dec. 1849, as being directed to Don Andres Castillero, and deposited by Alexander Forbes in Monterey?

(Question objected to because it assumes what the letter does not state, in this, that the communication of Castillo Lanzas referred to in that letter, is there stated to be one addressed to Andres Castillero and not to the Governor of California, and the difference between the two communications, the one addressed to the Governor of California, and the other to Castillero, is in that letter specifically pointed out, and the ground of preference declared to be, because the document addressed to Castillero would be a better document, from the fact that it was not addressed to the Governor of California.)

Ans. 16.—I believe that was his reason in employing me; but at

the same time he never mentioned to me that I should go to Mr. Forbes to search for that document mentioned in the foregoing question.

Ques. 17.—Did you endeavour to procure that document from Mr. Forbes?

Ans. 17.—I did not endeavor to procure that document from Mr. Forbes, as I did not believe that he had it in his possession, but went to him for the purpose of getting any information from him, and assisting me as a friend to procure it.

Ques. 18.—Did Mr. Barron ever employ you to get any other document?

Ans. 18.—After Mr. Barron arrived from Mexico, in the middle of last June, I went to him and reported to him my unsuccessful search for that document, at the same time I told him I understood that Mr. Forbes had a document that would injure their case; he then gave me $30 to make another effort to try and get a copy and see what it was; I did not get the copy at that time.

Ques. 19.—Did you ever get a copy of it?

Ans. 19.—Yes, I did.

Ques. 20.—When; and what did you do with it?

Ans. 20.—About the latter part of this last June, the day after J. A. Forbes' last examination; I left it with Mr. Barron.

Ques. 21.—After Mr. Barron had read that paper did he not hand it back to you, and did you not tell him he might keep it?

Ans. 21.—He did hand it back to me, and I told him he might keep it.

Ques. 22.—Did you not at that time say to Mr. Barron that Mr. Forbes had very bad feelings towards Mr. Laurencel, and that Mr. Forbes had said that in consequence of his ill feelings towards Mr. Laurencel he would sell the original of the copy which you showed Mr. Barron for one half the money he would let Mr. Laurencel have it for, and did not Mr. Barron decline to make the purchase of the original at any price?

Ans. 22.—I did tell Mr. Barron that Mr. Forbes told me he was not willing to assist Mr. Laurencel, and that if in case that he took a notion to dispose of that document he would rather sell it to them, the Co., but that he did not feel disposed to part with it for money; all that he wanted he was trying to clear himself from reports and attacks that were circulating around through the lawyers and agents of Bolton & Barron; after Mr. Barron had seen the copy then he declined to buy. He said if he felt disposed to sell it he would rather let the company have it at one half the price that he would sell it to Laurencel.

Ques. 23.—How did Mr. Forbes suppose he could use the original of that letter, so as to clear his character of the assertions that were cast upon it?

Ans. 23.—That I am not able to say.

(A paper is shown witness and he is asked the following question.)

Ques. 24.—Is this the copy of the alleged original letter which you handed to Mr. Barron?

Ans. 24.—It is the same paper.

(Counsel for the claimant requested the Commissioner to mark this paper and annex it to this deposition, not in obedience to the call for it, made yesterday by the United States Attorney, but as the act of the claimant who desires to put this paper on record as the identical paper which was delivered to Mr. Barron by the witness: paper marked Exhibit Y., C. McA.)

Ques. 25.—You have stated that on one or two occasions you were employed by Messrs. Bolton & Billings to procure from Mr. Forbes such papers as he might have which were prejudicial to the mine; please to reflect, and state if such was your employment by these gentlemen.

Ans. 25.—I did state that and do state again to the same effect.

Ques. 26.—I am to understand then that those gentlemen employed you to obtain from Mr. Forbes only such papers as were prejudicial to the mine, and not such as Mr. Forbes might wrongfully withhold from their possession, and which might be favorable to the company's title to the mine. Am I correct?

Ans. 26.—I was employed by them to get any papers that were prejudicial to the title to the mine of Almaden, or any papers that Mr. Forbes might have in his possession for or against the mine of Almaden.

Ques. 27.—Why then did you state in your answer to question 40, that you were employed by those gentlemen to get from J. A. Forbes any documents that would be prejudicial to the mine, and why did you state in answer to question 45, that those gentlemen said they would pay liberally for any documents that Mr. Forbes might have in his possession that would be injurious to the mine?

Ans. 27.—Because Mr. Billings particularly requested me to try and get a copy or make a purchase of those papers that Mr. Forbes told me he had in his possession that would blow the title of the mine of New Almaden sky-high, as his expression was.

Ques. 28.—Did Mr. Forbes describe to you, and did you describe to Mr. Billings the contents or nature of those papers which were to blow the mine sky-high?

Ans. 28.—Mr. Forbes did not describe to me the nature nor the contents of those papers; and I did not describe it to Mr. Billings.

Ques. 29.—When did Mr. Forbes first tell you of this letter, the copy of which, as you state, you handed to Mr. Barron?

Ans. 29.—It was at the same time that I went to him to give me information about the document referred to in answer to a question ; the time was about February last.

Ques. 30.—What did Mr. Forbes tell you then about that original letter ?

Ans. 30.—He told me as a friend, in confidence, that he had something that would overthrow the title of the mine of New Almaden. at the same time he requested me not to say anything about it.

Ques. 31,—You state that Mr. J. A. Forbes told you some time last February of the existence of the original letter of which you state you handed a copy to Mr. Barron. I ask you what did he tell you about that letter ?

Ans. 31.—He did not mention any letter.

Ques. 32.—Why did you say that he mentioned to you the existence of that letter in February last ?

Ans. 32.—I did not say that he mentioned any letter but he said he had something in his possession that would blow the title of the mine up.

Ques. 33.—Your answer as written by the Commissioner will speak for itself ; have you nothing more to say in explanation ?

Ans. 33.—I say still, that I said something, not a letter ; I never mentioned a letter, because I did not know whether it was a letter or some other kind of a document, until the evening before Mr. Forbes last examination when Mr. Forbes exhibited the letter to me. I then reported next morning to Mr. Bolton and Mr. Barron that it was a letter in the hand-writing of Alexander Forbes ; I told them the contents of it ; Mr. Barron then asked me if Mr. Forbes would be induced to part with it ; I told him I did not know, but thought that by proper management I could succeed in obtaining it from Mr. Forbes.

Ques. 34.—How long was it after Mr. Barron declined to purchase this original letter, that you spoke to any one else on the subject ?

Ans. 34.—I do not recollect of mentioning it to any person until yesterday in my examination.

Ques. 35.—Not even to Mr. Forbes ?

Ans. 35.—No sir ; I do not recollect mentioning it to Mr. Forbes ; Mr. Forbes was gone before I presented the copy to Mr. Barron.

Ques. 36.—Am I to understand that before you came here yesterday to give your testimony you had never spoken to any one of the matters concerning which you testified ?

Ans. 36.—No, I do not recolleet of mentioning any of them ; the first notice that I had was from a subpœna to appear here instanter ; I came over in the boat yesterday with Mr. Randall, the

Deputy Marshal; Mr. Forbes and Mr. Laurencel were in company with the Deputy Marshal; I went to Mr. Forbes and asked him the object of this subpœna so suddenly; he told me that it was to testify about the copy of the letter I got from him; I then told him he was acting very unfriendly towards me in letting Mr. Laurencel or any other party know that I had any transaction with him about the matter, and that there was nothing that I abhorred so much as to expose any private transactions that I have with my employers: Forbes said that he could not help it, that I was under the Marshal's hands; I never left the Marshal until I came in this room to examination.

DIRECT EXAMINATION RESUMED.

Ques. 1.—What time of the day was it when you gave the copy of the letter to Barron?

Ans. 1.—I think it was about 9 A. M.

Ques. 2.—About what time the day before was it that you made the said copy at the Rail Road House in this city?

Ans. 2.—I think it was between 6 and 7 P. M.

Ques. 3.—What did you do with the original immediately after making the copy?

Ans. 3.—I gave it back to J. A. Forbes.

Ques. 4.—How long before you made the copy was it that you told Bolton & Barron you had seen the original here in this city in the possession of Forbes?

Ans. 4.—It was on the same morning, about 8 A. M.

Ques. 5.—What time of the day before was it that you first saw that original letter here in San Francisco in possession of James A. Forbes?

Ans. 5.—Between 5 and 6. P. M.

Ques. .6—Do you know whether or not Mr. J. A. Forbes had just arrived in this city on that day?

Ans. 6.—He arrived the same day about 3 o'clock in the afternoon.

CROSS EXAMINATION RESUMED.

Ques. 1.—Did not the fact that J. A. Forbes was about to be examined for the second time in this case, induce him to show you that letter, in order that you might make it known to the claimants before the examination?

Ans. 1.—He was to be examined the next morning, and told me now he had a chance to expose the title of the mine; I told him for God's sake let me see what it was; he then showed me as a friend, and told me, if I took such interest in favor of Bolton &

Barron, that if he was questioned about any documents in his possession he was bound to present it to Court; I told him not to do it, and told Mr. Barron to tell Mr. Peachy not to question Mr. Forbes as to anything about any papers that he might have in his possession.

Ques. 2.—When J. A. Forbes threatened to put that original letter in the hands of the District Attorney, did he state to you his object in so doing?

Ans. 2.—He did.

Ques. 3.—What was it?

Ans. 3.—It was to clear himself, and to show the public that he was not making any false statement regarding the invalidity of the title to the mine of Almaden.

Ques. 4.—Did he tell you how that document would have that effect?

Ans. 4.—He told me that he did not believe that any Court or Jury would ever confirm the title to that mine after the exposing of that document. What Mr. Forbes told me on these matters he told me in secrecy, but he knew that I was employed by Bolton, Barron, & Co., in this matter; it was my duty to report anything I heard concerning the mine, to Bolton, Barron, & Co., as I was employed by them to do so; I told Mr. Forbes that I had communicated to Messrs. Bolton & Barron what he had told me in secresy; he told me he did not want to have anything to do with them.

Ques. 5.—Did he communicate to you under the seal of secresy the fact, that if he should ever feel disposed to sell this letter he would sell it to the Company for one half what he would let Laurencel have it for?

Ans. 5.—I understood that all his communications with me were to be secret.

Ques. 6.—How is that? Did you suppose that in communicating to Messrs. Bolton & Barron what Mr. Forbes said, you were violating your promise of secrecy to Mr. Forbes? Or did you not really understand that although Mr. Forbes made communications to you under the injunction of secrecy he really intended that you should tell Messrs. Bolton & Barron what he said?

Ans. 6.—I knew I was violating the secrecy, but that as duty bound to my employers, who were Messrs. Bolton & Barron, I was bound to let them know anything that I could hear relative to the mine of Almaden: I did not understand Mr. Forbes intention that I should communicate anything to Messrs. Bolton & Barron.

ROBERT BIRNIE.

Subscribed and sworn to before me this 15th day of July, A. D. 1858.

{SEAL}

CUTLER McALLISTER,
U. S. Com.

"EXHIBIT X." ANNEXED TO DEPOSITION OF ROBERT BIRNIE.

[Copy.]

MONTEREY, 28th March, 1848.

James A. Forbes, Esq.
Santa Clara.

MY DEAR SIR: I have to appologize for not writing you before this, as I promised I would, respecting the purchase of your shares in the mine of New Almaden, but really, as your opinion of their value is so widely different from mine, I considered it almost hopeless to make you any further proposals.

I do not however leave this, without making the necessary arrangements to effect that object, and have therefore authorized Mr. Walkinshaw and Manl. Dias to wait on you with my final offer for the purchase of those shares.

Were I not already so deeply interested in this negociation, I would never think of investing another dollar in it, but this interest renders it necessary for me to have the control of all the shares, in order that I may dispose of the whole, whenever an opportunity may offer, and save myself from the heavy loss that would ensue, should it unluckily leak out, that in fact, the documents procured by Castillero in Mexico, as his title to the mine and lands, were all obtained long after the occupation of California by the Americans.

This unfortunate irregularity cannot be easily repaired, and serious objections might be made even to the legality of our new act of possession.

I need scarcely remind you of the importance of preserving profound secresy in all these matters, and in case you do not accept my offer, I hope you will not fail to send me your power to act for you in any arrangement I may make.

I send you three vols. of the Mechanic and Engineers' Magazine, which I beg your acceptance of, and I hope you will continue your correspondence as usual, and inform me of what is passing in California.

I am, my dear sir,
Yours very truly,

(Signed) ALEX. FORBES.

"EXHIBIT Y." ANNEXED TO DEPOSITION OF ROBERT BIRNIE.

[Copy.]

MONTEREY, 28th March, 1848.

J. A. Forbes, Esq.,
Santa Clara.

MY DEAR SIR: I have to appologize for not writing you before this as I promised I would, respecting the purchase of your shares in the mine of N. Almaden, but realy as your opinion of their value is so widely different from mine, I considered it almost hopeless to make you any further proposals.

I do not however, leave this without making the necessary arrangements to effect that object and have therefore authorized Mr. Walkinshaw and Manuel Diaz, to wait on you with my final offer, for the purchase of those shares.

Were I not already so deeply interested in this negociation, I would never think of investing another dollar in it, but this interest renders it necessary for me to have the control of all the shares, in order that I may dispose of the whole whenever an opportunity may offer and save myself from the heavy loss that would ensue, should it unluckily leak out, that in fact, the Documents procured by Castillero in Mexico, as his title to the mine and lands, were all obtained long after the occupation of California by the Americans.

This unfortunate irregularity cannot be easily repaired, and serious objections might be made even to the legality of the proceedings in our new act of possession.

I need scarcely remind you of the importance of preserving profound secrecy in all these matters, and in case you do not accept my offer, I hope you will not fail to send me your power to act for you in any arrangement I may make.

I send you three vols. of the Practical Mechanic and Engineers Magazine which I beg your acceptance of, and I hope you will continue your correspondence as usual and inform me of what is passing in California.

I am my dear sir,
Yours very truly,
(Signed) ALEX. FORBES.

Filed Sept. 6, 1858.

W. H. CHEVERS,
Clerk.

DEPOSITION OF JAMES ALEXANDER FORBES.

UNITED STATES DISTRICT COURT,
Northern District California.

THE UNITED STATES
vs.
ANDRES CASTILLERO.

SAN FRANCISCO, July 16, 1858.

On this day, before me Cutler McAllister, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, &c. &c., came James Alexander Forbes, a witness produced on behalf of the United States, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows :

PRESENT :—Peter Della Torre, Esq:, U. S. District Attorney, and Edmund Randolph, Esq., on behalf of the United States. A. C. Peachy, Esq., on behalf of the Claimant.

QUESTIONS BY P. DELLA TORRE, ESQ.

Ques. 1.—On your last examination, you stated that you had received from the Father Eugene Macnamara, a letter dated from the Sandwich Islands, sometime in the autumn of 1846, and that you were unable to produce the letter at that time, not having it with you at the moment. Can you now produce that letter ?

Ans. 1.—This is the letter, which I agreed at that time, before Judge Hoffman, to produce, if I could find it among my papers.

Ques. 2.—By what conveyance did you receeive that letter, and as nearly as you can remember, at what date ?

Ans. 2.—I do not recollect by what conveyance I received it ; it is probable it was sent to me by one of the vessels trading from the Sandwich Islands to San Francisco ; I think I received it in November 1846, but I am not certain, as I merely endorsed on it the name of the writer.

(The Attorney for the United States offers the letter referred to in evidence, and asks that it be marked E. M., and attached to this deposition.

The Attorney for the Claimant objects to the admission of said letter as evidence.)

Ques. 3.—What connection had Eugene Macnamara, the writer of this letter, with the mine of New Almaden, now so called, or with the formation of a company for the working of said mine at the date of said letter, and shortly thereafter?

Ans. 3.—He had no connection with the mine of Almaden; he told me in Monterey that he had received a Power of Attorney for the formation of an English Company for working that mine; this was in July, 1846.

(The Attorney for the Claimant before the above answer was written down, requested the Comm'r not to write down that portion of the answer which states what Mr. Macnamara told the witness, upon the ground that it is clearly inadmissible. The Comm'r refused to comply with the request of the Attorney for the Claimant. Whereupon the Attorney for the Claimant objected to said portion of the foregoing answer as hearsay.)

Ques. 4.—What connection had the said Eugene Macnamara with the contract of habilitacion, or contract for working said mine of New Almaden, made by parties claiming interest therein, with Alexander Forbes at Tepic, Mexico, the 28th day of November 1846, which contract you afterwards ratified in California on behalf of the brothers Robles?

Ans. 4.—I presume he acted therein by virtue of the power of Attorney he told me he had.

(The Attorney for Claimant objects to foregoing answer.)

Ques. 5.—Is the Eugene Macnamara, who at the time of your ratification of the said contract was represented to you as the person who, under a power of Attorney from persons claiming to own said mine, had made the said contract with said Alexander Forbes, the same person as the writer of this letter?

Ans. 5.—I have no reason to believe that he was not the same person.

Ques. 6.—Was he not so spoken of, and represented to you, on all occasions, by Alexander Forbes and those associated with him in the contract for the working of the said mine?

Ans. 6.—He was by Mr. Alexander Forbes and Mr. Walkinshaw.

Ques. 7.—Look at this paper, Exhitit X., to the deposition of Rob't Birnie, and say if you know the hand writing thereof?

Ans.7.—It is my hand-writing.

Ques. 8.—When and where was it written, and what was the original of which it purports to be a copy?

Ans. 8.—It was written at my residence in Santa Clara about four weeks ago; it is the copy of an original letter written to me at the time of its date at Monterey, Cal'a, by Mr. Alexander Forbes.

(The Attorney for the Claimant objects to the foregoing question and answer.)

Ques. 9.—You have, in this case, on a former examination, testified to your knowledge of the hand-writing of Alexander Forbes and identified many letters as having been written by him; are you equally certain that the original of which you speak, was in the hand-writing of Alexander Forbes?

Ans. 9.—I am.

(The Attorney for the Claimant objects to the foregoing question and answer.)

Ques. 10.—Explain fully the occasion of the writing of that letter by Mr. Alexander Forbes?

(The Attorney for the Claimant objects to this question on the ground that it assumes the existence of the original letter at a certain time. And the letter is not now produced, or its loss accounted for. Further, the Attorney objects that until such original is produced, or its loss accounted for, the question propounded to the witness is contrary to a proper course of examination.)

Ans. 10.—The matter under consideration is expressed in the letter itself.

Ques. 11.—Did you ever permit any one to make a copy of that said original letter of Alexander Forbes, and if so, whom, when and where?

(The Attsrney for the Claimant objects to this question for the reasons heretofore assigned.)

Ans. 11.—I did permit Mr. Robert Birnie to take a copy of that letter, in San Francisco, on the 30th day of June last.

Ques. 12.—At about what hour of the day, and was it before or after your examination before the United States District Judge Hoffman was concluded?

Ans. 12.—I think it was about five o'clock in the afternoon, and after my examination in the United States District Court was

concluded, with the exception of the stipulation between counsel that my examination regarding the letter was to be continued; that is, the letter of Macnamara.

Ques. 13.—Did Birnie return to you the said letter of Alexander Forbes?

Ans. 13.—He did.

Ques. 14.—Will you now please produce that letter?

Ans. 14.—I cannot produce it; it is lost; it was abstracted from my carpet-bag at the Rail Road House, in this city, on the 30th of June last.

Ques. 15.—Do I understand you to say, that on the 30th day of June last, after the conclusion of your examination before Judge Hoffman, and after you had suffered Birnie to make a copy of that letter, the said letter was stolen from your carpet-bag, at your lodgings at the Rail Road House, in this city?

Ans. 15.—Yes; that letter was in my possession up to 9 o'clock in the evening; I had occasion to leave my lodging for a short time, for security I took that letter out of my coat-pocket and put it in my carpet-bag, locked my room door, and went up as far as Montgomery street; I was absent an half an hour or more; on my return, I found my room door locked as I had left it, and on retiring to bed I had occasion to go to my carpet-bag, when I found that that letter was missing.

Ques. 16.—You will please state all that you know, tending to show the true character of the pretended title set up in this case by the Claimant to the mine of New Almaden.

(The Counsel for the United States says "now you can produce your written statement.")

Ans. 16.—This statement has been prepared by me in the expectation of giving my testimony before the United States District Court, inasmuch as my previous examinations have been had before that Court.

(The Attorney for the Claimant objects to any written statement being read by the witness, and insists upon his answering the foregoing question in the usual way; by replying from his recollection of the matter to which the said question relates; and insists that the Comm'r shall require the witness so to answer.

The Comm'r over-rules the objections of the Attorney for the Claimant, and decides to allow the witness to answer the foregoing question by reading a written statement which he has prepared; to which ruling of the Comm'r the Attorney for the Claimant excepts, and requests the Comm'r to note his exception.

The witness reads the annexed writing marked A, as his answer to the foregoing question, and the Comm'r decides to attach it instead of copying, to which the Attorney for the United States assents.)

JAS. ALEX. FORBES.

A.

MAY IT PLEASE THE COURT:

As in the course of the proceedings in this case, my name has often appeared, I desire with the permission of this Honorable Court, to give explanations of the part that I have had in the affairs of the mine of New Almaden. in order that this Court may at once understand and be satisfied as to my real position in this case, and that I may not be subjected to periodical examinations in the same.

I shall therefore, now explain why, during several years, I had kept private, acts that were within my knowledge, and the motives which have caused me, at this late period, to give the explanations that I now desire to make.

I purchased my interest in the mine of New Almaden, in August, 1846, understanding from the parties in interest, that they claimed under the possession received by Castillero, in 1845, from the Alcalde of the jurisdiction, and that said possession comprised three "pertenencias," and the "hacienda." By contract with Padre Real, the agent of Castillero, I received and held the possession of the same, until I transferred it to Mr. Walkinshaw in 1847, as the agent of Alex'r Forbes. It was about that time, that Mr. Walkinshaw informed me that Castillero had succeeded in obtaining a title for two leagues about the mine, and if in my correspondence in 1847 and 1848, mention is made of two "sitios" granted to Castillero, my information was derived from Mr. Walkinshaw.

Mr. Alex. Forbes arrived in Calif.nia in the autumn of 1847, accompanied by Mr. Walkinshaw, (who had returned to Mexico, to make his report of his examination of the mine to his principal), and it was at that time, that I learned more particularly the nature of the title to Castillero.

In the month of January, 1848, Mr. Alex. Forbes, not having full confidence in that title, nor in the denouncement of the mine by Castillero, proceeded to obtain from the local Alcalde a new possession, strictly according to the mining ordinances, and stated to me, that in case all other measures should fail, we could fall back upon that possession. The letter of which a copy has been

produced in Court, was transmitted to me by Alex. Forbes, a day or two before his departure from Monterey, and gave me more positive information than that which I had gathered from my conversations with Mr. Forbes and Mr. Walkinshaw.

The Court will please to observe, that I having purchased in good faith, a considerable interest in the mine, for which I paid a large sum, at that time, I could not sacrifice it, because it had pleased Mr. Castillero to procure titles after the occupation of the country by the United States, although at that period, it was the opinion of foreigners and Mexicans, that California would be restored to Mexico.

I was compelled to sustain our possession against the attacks of Mr. Walkinshaw, who wished to turn to his own profit the knowledge he had obtained of the facts above stated, and although I succeeded in sustaining that possession, I earnestly recommended (as I had previously urged upon Alex. Forbes,) the immediate purchase of a part of the lands of Berreyesa, and of those of Justo Larios, or Cook; stating that the obvious result of such purchases, would be a cessation of all difficulties, and set at rest forever, all questions upon the validity of the title to the mine. In effect, thongh not fully authorized, I did enter into negociations for the purchase of some of those lands, but the agreements I had made were frustrated by a party interested in the mine, who subsequently sold out his interest and retired from the negociation.

In view of the probable ultimate result of such an imprudent policy, I endeavored to sell out my interest on the best terms I could. I disposed of one "barra," or share, to Mr. John Parrott, a friend of the other parties interested, and who was anxious to purchase. In a settlement of accounts with Mr. Laurencel, I ceded to him three twentieths of one "barra," or share, without any knowledge on his part, of the affairs of the mine from 1846 to 1848, and this same interest was reacquired by me afterwards, making complete the one "barra" which I subsequently sold to Mr. Wm. E. Barron, who I believe was fully informed of the nature of the purchase he made. I have, therefore, not sought to impose upon the confidence of any person, in the sales I have made of my interest in that property.

When my circumstances became embarrassed, and at last serious misfortunes overtook me, relying upon the protestations of friendship of the parties immediately in charge of, and interested in the mine, and of their acknowledged estimation of my services in their behalf, I believed that I might with some semblance of merit, and probability of success, ask of them not a *gift* but aid in the shape of a loan, to enable me to make an effort to retrieve my loss in some measure, and avert from my family the ruin that awaited me. I made application to those parties, and was refused.

It was then that I resolved without injuring any party, to avail myself of the papers in my possession. The arrangement which I made with Mr. Laurencel, was for the purpose of aiding him to effect an advantageous compromise with the Almaden party. I had no wish or intention to give to that correspondence the publicity which was subsequently given to it, and in this spirit, I exacted from Mr. Laurencel, the agreement that it should only be used in the negociation of that compromise.

The manner in which that correspondence was brought before this Court, was unknown to me. I was examined at length, in open Court, and to certain questions put to me by the counsel for Claimants, I refused to respond. The cause of my refusal was an unwillingness to compromise myself, without the means of vindicating myself. The letter of which a copy has been produced in Court, was mislaid by me, and I believed it lost, but in searching for it in February last, I found it in an old port-folio, that has long been laid aside among old account books.

I did not transmit that letter immediately to Mr. Laurencel nor to the District Attorney, because I felt hurt at the manner in which the aforesaid correspondence had been produced in Court, as I believed not without some knowledge on the part of Mr. Laurencel.

Occupied with other matters I gave little attention to that letter, until pressed by the importunities of Mr. R. Birnie, who visited me several times, soliciting papers or copies of papers I might have, adverse to the title of New Almaden; stating also, that he was employed for that object, by the agents. Mr. Birnie obtained nothing from me, until the last of June, when I was cited to appear in this Court on the part of New Almaden claimants, and believing that the examination might be extended to questions which might be difficult for me to answer without proof, and in a word, it being my determination to produce that letter at a proper time, I brought it with me.

Mr. Birnie came to me, and stated that if I allowed him to take a copy of any paper I might have, adverse to the case of the mine, it would be a great favor to him personally, as he was going to be paid for his services in procuring even a copy, and to facilitate his object, I allowed him to take a copy of the aforesaid letter.

On the evening of the 30th of June, 1 had occasion to leave my lodging for a short time, and to avoid any risk in carrying the letter on my person, I placed it in my carpet bag, locked my room door, and went out for about a half or three quarters of an hour. On my return, I found that my bag had been opened, and the letter was missing. The following morning I returned home, resolved to send at once a copy of that letter, (which I had previously taken and left at my residence;) to the District Attorney,

believing that I should no longer delay the production of the best proof of its authenticity, in my possession; and for this object, I sent the copy to the District Attorney, and I was thereupon cited to appear to give my testimony.

San Francisco, July 15, 1858.

JAS. ALEX. FORBES.

(Direct examination concluded; the witness being tendered to the Attorney for the Claimant for cross-examination.)

Examination adjourned until to-morrow, Saturday, the 17th day of July, A. D. 1858, at 11 o'clock, A.M.

San Francisco, July 17, 1858.

Present: P. Della Torre, Esq. and Edmund Randolph, Esq., on behalf of the U. S. and A. C. Peachy, Esq., on behalf of the Claimant.

Cross-Examination.

Ques. 1.—Is Eugene Macnamara the man who obtained a grant of land of the Mexican Government about the time of the American conquest?

Ans. 1.—I do not know whether he did or not.

Ques. 2.—Did he endeavor to procure a grant?

Ans. 2.—I think he did.

Ques. 3.—Are you not sure he did?

Ans. 3.—I was informed by him that he had endeavored to get a grant.

Ques. 4.—Of what land?

Ans. 4.—Of a tract of land in California, in the San Joaquin Valley.

Ques. 5.—About how much land?

Ans. 5.—Of a large tract; I don't recollect the amount.

Ques. 6.—Did Macnamara ever converse with you about the probable fate of his grant under the American Government?

Ans. 6.—I don't recollect that he did.

Ques. 7.—In Macnamara's letter to you he uses these words: "I am also very desirous of doing something about that grant of land." What grant of land do you suppose he alluded to?

Ans. 7.—I think it must have been the grant to which I have heretofore referred.

Ques. 8.—Do you know Robert Birnie ?

Ans. 8.—I do.

Ques. 9.—He married a niece of your wife's, did he not ?

Ans. 9.—He did.

Ques. 10.—When you came to San Francisco on the 29th of June last, Robert Birnie came with you, did he not ?

Ans. 10.—He did not.

Ques. 11.—Where did you put up in town on that occasion ?

Ans. 11.—At the Rail Road House.

Ques. 12.—Was not Robert Birnie at the Rail Road House at that time ?

Ans. 12 —He was.

Ques. 13.—Was he there when you arrived ?

Hns. 13.—He was.

Ques. 14.—Where had he come from, and how long had he been there when you arrived ?

Ans. 14.—I presume he came from his own residence ; and I don't know how long he had been there.

Ques. 15.—Did he not meet you there by appointment ?

Ans. 15.—I think I informed him that I had been subpœnaed to appear before the United States District Court on the part of the Claimant in this case.

Ques. 16.—When did you give him that information ?

Ans. 16.—A short time before I came down here.

Ques. 17.—Was it after the subpœna had been served on you ?

Ans. 17.—I think it was before.

Ques. 18.—How did you know before the subpœna was served on you that you would have to attend as a witness ?

Ans. 18.—On reflection, I correct myself ; it was after the subpœna was served on me, that I telegraphed to Birnie to meet me in San Francisco ; as I was surprised that I should be subpœnaed by the Claimant as their witness ; and as Mr. Birnie was in their service I was anxious to ascertain through him why I was subpœned by them.

Ques. 19.—Did you have any communication with Mr. Laurencel, or any other person in his interest, on the subject of your recall to the stand, before you were examined on the 30th of June last ?

Ans. 19.—The only conversation that I had with Mr. Laurencel was at the Court House door on the morning of the 30th, where met him, and after the usual salutations, he told me that the object of my being called there that morning was for the purpose of continuing my examination ; I replied to him, how can that be, as I am subpœnaed on the part of the Claimants ; Mr. Laurencel said to me that the District Attorney had stipulated with counsel that provided no new matter was introduced I should be considered as a witness for the United States.

Ques. 20.—Was that the only communication of any kind, verbal or written, that you had with Mr. Laurencel, or any of his agents, on the subject of your recall?

Ans. 20.—I have no recollections of having any other communication with Mr. L., or any of his agents, on the subject.

Qces. 21.—Did you see Robert Birnie on the morning of your examination, the 30th of June last?

Ans. 21.—I did.

Ques. 22.—Did you see him the evening of that day?

Ans. 22.—I saw him in the afternoon, perhaps about five o'clock.

Ques. 23.—When next did you see him?

Ans. 23.—I don't recollect seeing him afterwards until I saw him in Oakland in the last two or three days.

Ques. 24.—Did you communicate with him in the meantime, or did he communicate with you either verbally or by writing?

Ans. 24.—He did communicate with me in writing.

Ques. 25.—Did you communicate with him?

Ans. 25.—I don't recollect that I did.

Ques. 26.—Then I understand, that from five o'clock in the afternoon of the 30th of June until your meeting with Birnie at Oakland two or three days ago, you wrote him no letter, and sent him no message; am I correct?

Ans. 26.—I have no recollection of having sent him any message, or of having written to him during that period.

Ques. State as nearly as you can the conversation between Birnie and yourself from the time you met him at Oakland until the present time, in reference to this case.

(The Attorney for the Claimant withdraws the foregoing question.)

Ques. 27.—On what day did you meet Birnie in Oakland, at what time of the day, and who was present?

Ans. 27.—On Tuesday evening last about nine o'clock, and no other person was immediately present; the Deputy United States Marshal was a short distance off.

Ques. 28.—Where had you come from that day?

Ans. 28.—From my own residence in Santa Clara with United States Deputy Marshal, in a private conveyance.

Ques. 29.—Was no one with you besides the Deputy Marshal?

Ans. 29.—Mr. Laurencel and the driver were with him, and of course with me, when I joined him.

Ques. 30.—Was it Mr. Laurencel's carriage?

Ans. 30.—I don't know to whom it belonged

Ques. 31.—Who was the Deputy Marshal?

Ans. 31.—Mr. Randall; from whom I understood the United States paid all expenses.

Ques. 32.—Where did you stop in Oakland, and what time did you reach there?

Ans. 32.—We arrived there about 9 o'clock at night, and stopped at a Hotel.

Ques. 33.—Did you see Birnie as soon as you got there?

Ans. 33.—Shortly after.

Ques. 34.—Was he waiting for you when you arrived?

Ans. 34.—He was not; he had no idea of my going there.

Ques. 35.—Was it by mere chance that you met him there?

Ans. 35.—It was not by mere chance; the United States Marshal had a subpœna for him to appear before the Commissioner; I went to see him at the request of the Marshal, or rather by his consent, thinking it would be less disagreeable to Birnie to speak to him before the subpœna was served on him, as the subpœna called for his appearance instanter.

Ques. 36.—Where did you find Birnie, and about what hour?

Ans. 36.—At his own residence; a little after nine o'clock in the evening.

Ques. 37.—How did you break to him the news that there was a subpœna out requiring him to testify instanter on the part of the United States in this case; how did he receive the tidings, and what passed between you at that interview on that subject?

Ans. 37.—I simply told Mr. Birnie that the United States Marshal was there and had a subpœna for him, that he would not be required to go to San Francisco until the following morning, provided he would be ready to go at 5 o'clock in the morning; Mr. Birnie was surprised but said he would agree to go in the morning; I then left to see the Marshal and informed him that Mr. Birnie would meet him in the morning at the stated hour.

Ques. 38.—Where did you find the Marshal?

Ans. 38.—At the hotel where we stopped, about two blocks from the residence of Mr. Birnie.

Ques. 39.—What was the name of the United States Deputy Marshal who had the subpœna for Mr. Birnie?

Ans. 39.—I stated before that it was Mr. Randall, the same officer who served me.

Ques. 40.—When it was so easy for Mr. Randall to go from the hotel to Mr. B's house, why did he not serve the subpœna on him that night?

Ans. 40.—It was pretty dark and Mr. Randall did'nt know exactly where Mr. Birnie lived.

Ques. 41.—But you have said that you obtained Mr. Randall's con-

sent to visit Mr Birnie, so that Mr. R., must have known that you knew where he lived; why did'nt he ask you to show him the way?

Ans. 41.—It was the intention of Mr. Randall, the Deputy Marshal, to serve the subpœna on Mr. Birnie immediately after his arrival at Oakland; but we having arrived late, and I knowing that Mr. Birnie's family would be alarmed if the officer went there suddenly at that hour of the night, requested him to allow me to inform Birnie first, and he accorded me his permission.

Ques. 42.—What is there in the nature of a subpœna or Mr. Randall to alarm Mr. Birnie's family; please to state through what course of preparation to meet the subpœna and Mr. Randall you put Mr. Birnie's family?

Ans. 42 —Mr. Birnie's lady is a native of the country; she does not understand the nature of any judicial process; she is very timid, and I believe in a delicate state of health; and therefore I judged it would be proper to break the matter to Birnie myself; as regards the officer, Mr. Randall, nothing could be apprehended from his personal appearance; but nevertheless the simple fact of his visiting Mr. Birnie's at that hour, and on that errand, would have alarmed his family.

Ques. 43.—Why need Mrs. Birnie have known that Mr. Randall was United States Deputy Marshal, or that he had a subpæna? You state that Mrs. Birnie's delicate health in your opinion made it proper for you to make known to Mr. B., the object of Mr. Randall's visit; explain how this was.

Ans. 43.—Had the United States officer gone to the house of Mr. Birnie, he would have found his family in bed, as they were in fact retiring to bed when I arrived, and as a matter of course, would have become aware that something uncommon was about to take place, and would necessarily have been much alarmed, but on seeing me, she would have been or was assured that no danger would befall her husband.

Ques. 44.—Did you explain to Birnie the reason why he was called by the United States as a witness, and what was expected to be proved by him, when you visited him that night?

Ans. 44.—I simply stated to Mr. Birnie that he had been subpœnaed to appear immediately to testify on the part of the United States in this case; and that it was expected he would testify truthfully to such interrogatories as might be put to him.

Ques. 45.—Who was it that expected Mr. Birnie to testify truly?

Ans. 45.—I don't know of any person in particular.

Ques. 46.—To whom did you refer when you told Mr. Birnie he was expected to testify truly?

Ans. 46.—I did not refer to any particular person.

Ques. 47.—Was Mr. Birnie aboard the steamer next morning?

Ans. 47.—He was; and served with a subpœna by the United States Marshal.

Ques. 48.—Did you take Mr. Birnie on board, or did he seek the United States Marshal?

Ans. 48.—I did not take him on board; he agreed to meet the Marshal about half past four or five; he did meet the Marshal, who served the subpœna on him, and he went on board with him.

Ques. 49.—Did you have any conversation with Mr. Birnie while coming over to San Francisco?

Ans. 46.—Yes sir.

Ques. 50.—State what.

Ans. 50.—We conversed upon different subjects; about the Frazer River excitement; as he had wished for me to send two of my sons up there with him. Mr. Birnie told me he had been paid by Bolton, Barron & Co., the amount of four hundred dollars, and that he wanted to go and see them on his arrival in this city, to inform them that he had been suddenly subpœnaed and brought over here, as he felt hurt at it, and in order to remove any wrong impressions from their minds.

Ques. 51.—On your visit the night before to Birnie, or in your interview with him on the steamer, was anything said by either of you, about the original letter from Alexander Forbes to you, of which Birnie had taken a copy?

Ans. 51.—I told Mr. Birnie that that letter had been abstracted from my carpet-bag, in this city; and I think a conversation on the subject was had between us, on both occasions referred to.

Ques. 52.—Did Birnie hear it for the first time from you?

Ans. 52.—It was the first time I had mentioned it to him; I don't know whether he had heard it from others before or not; but from that conversation I feel confident that that was the first time he knew of it.

Ques. 53.—Why do you feel so confident?

Ans. 53.—From my own knowledge of his character, and from the surprise which he manifested when I communicated that intelligence to him.

Ques. 54.—May not a very large portion of that surprise have arisen from the fact of your not having before that time communicated to Mr. Birnie the loss of that original letter?

Ans. 54.—I cannot see how that would follow.

Ques. 55.—Did you caution Mr. Birnie against stating in the course of his examination that the original letter had been abstracted from your carpet-bag?

Ans. 55.—I did not; and do not recollect having touched upon the matter of his examination, so far as the particularities of it are concerned.

Ques. 56.—To whom in San Francisco or elsewhere, besides Birnie, had you shown the original letter of Alexander Forbes?

Ans. 56.—I had shown it to no person in San Francisco besides Birnie; but my own eldest daughter has seen it and read it, and is the only person (at my own residence) besides Birnie, who has ever seen it.

JAS ALEX. FORBES.

Examination adjourned until Monday next, July 19, at 11 A. M.

SAN FRANCISCO, July 19, 1858.

Cross examination of J. A. Forbes this day continued.

PRESENT: A. C. Peachy, for Claimant, United States Attorney by E. Randolph.

Ques. 57.—Was Laurencel on board the steamer with you and Birnie and the Deputy Marshal?

Ans. 57.—He was.

Ques. 58.—Did he speak to Birnie while on board?

Ans. 58.—I did not see or hear him speak to him.

Ques. 59.—Was he not acquainted with Birnie at that time?

Ans. 59.—I do not know; I presume he knew him by sight.

Ques. 60.—How did Mr. Laurencel know what Mr. Birnie could prove in this case?

Ans. 60.—I do not know that he did know that he could prove anything.

Ques. 61.—Did not Laurencel know that Birnie was to be subpœnaed?

Ans. 61.—I presume he must have known, as he went with the Marshal.

Ques. 62.—Do you not know that he knew it?

Ans. 62.—I have already answered that question; I think Mr. Laurencel mentioned to me that the United States had subpœnaed Mr. Birnie; I am not certain whether it was Mr. Laurencel or the United States Marshal that told me this.

Ques. 63.—Did you not at any time previous to Mr. Birnie's examination tell Mr. Laurencel or any agent or Attorney of his, what you supposed Birnie could prove if examined?

Ans. 63.—I did request Mr. Laurencel to tell the United States District Attorney that it could be proved by Birnie that he had been employed by the agents and one of the Counsel of the mine of New Almaden to get papers or copies of papers relative thereto from me, and that he had got a copy of a letter from me.

Ques. 64.—When and where did you tell Mr. Laurencel that?

Ans. 64.—I think it was the first week of the present month, at my residence at Santa Clara.

Ques. 66.—Was it before or after the Fourth of July?

Ans. 65.—I can't state exactly what day it was; I think it was after.

Ques. 66.—Did Mr. Laurencel take notes of what you told him?

Ans. 66.—I did not see him take any.

Ques. 67.—At what hour on the morning of the 14th July did you reach San Francisco from Oakland?

Ans. 67.—I think about half past six.

Ques. 68.—Where did you then go?

Ans. 68.—I went to the Rail Road House, at which I usually put up.

Ques. 69.—Whom did you see between the time of your arrival and the hour when Birnie's examination was began at 11½? I mean of those persons connected with Laurencel in this business.

Ans. 69.—I saw Mr. Randolph his Attorney in the Fossat case, now present representing the United States in this case.

Ques. 70.—Did you tell Mr. Randolph what question to propound to Birnie?

Ans. 70.—I did not.

Ques. 71.—Did Laurencel take you to see Mr. Randolph, or did he direct you to go and see him?

Ans. 71.—He did neither.

Ques. 72.—How came you to go to see Mr. Randolph?

Ans. 72.—Because I knew that he was engaged on the part of the United States.

Ques. 73.—Where was you while Birnie's direct examination was going on?

Ans. 73.—I was at different places in this city; I was not in this building at that time.

Ques. 74.—Why did you enter and seat yourself in this room when the cross examination of Birnie was about to begin?

Ans. 74.—I was informed that Mr. Birnie's cross examination was about being finished, and that in all probability my examination would commence very shortly after that of Birnie terminated. and on motion of Counsel for Claimant, I retired immediately?

Ques. 75. Who told you that Birnie's cross examination was about being finished?

Ans. 75.—I think it was a young man by the name of Hawley.

Ques. 76.—Is that the young man who is so frequently in this room with Mr. Laurencel while the depositions are being taken?

Ans. 76.—I cannot state whether he is frequently here or not; I have seen him here once or twice; I am told he is a nephew of James Eldridge.

Ques. 77.—The same James Eldridge who gave you his note for $7,000, part of the $20,000 for which you sold certain documents to Henry Laurencel?

Ans. 77.—The same person who gave me those notes, in part payment of that sum, not for the sale of those documents, but for the use of those documents for a specific purpose.

Ques. 78.—Have you read Birnie's deposition, or any part of it? Have you seen a note or memorandum of any part of his testimony? Has any one told you what he testified to, or anything about his testimony?

Ans. 78.—I read a part of it on this table.

Ques. 79.—When did you last see Birnie?

Ans. 79.—I saw him this morning at half past ten o'clock.

Ques. 80—When next before?

Ans. 80.— On Saturday last, 17th July.

Ques. 81.—When next before Saturday?

Ans. 81.—On the last day of his examination; after his examination was finished.

Ques. 82.—Have you seen him only those three times since you came over from Oakland together?

Ans. 82.—Yes, I believe those are all the times that I have seen him since.

Ques. 83.—You, and Laurencel and the Deputy Marshal left Santa Clara together, on Tuesday the 13th inst., and arrived in Oakland about 9 P. M., that day, and left that place next morning about 5 o'clock and reached San Francisco about 6½ o'clock A. M.; are not these dates correct?

Ans. 83.—The dates are correct.

Ques. 84.—At what hour on the 13th, did you leave Santa Clara?

Ans. 84.—At a quarter past ten in the morning.

Ques. 85.—Where, when, and by whom was the subpœna served on you? Who was present?

Ans. 85.—At my own residence; the preceding evening at my own residence by the Deputy Marshal in the presence of Mr. Laurencel.

Ques. 86.—How often had you seen Laurencel or any agent of his between the 1st, and the 13th of July?

Ans. 86.—Twice; I saw Mr. Laurencel once before the service of the subpœna, and once at that time.

Ques. 87.—What was the date of your first seeing him?

Ans. 87.—I have already stated that I think it was after the Fourth of July.

Ques. 88.—Where did you see him on that occasion?

Ans. 88.—In Santa Clara, at my residence.

Ques. 89.—What was the occasion of his visit to you?

Ans. 89.—He had business with me.

Ques. 90.—What business?

Ans. 90.—In relation to testimony regarding the Fossat claim.

Ques. 91.—Was that all?

Ans. 91.—That was not all.

Ques. 92.—State what else?

Ans. 92.—I had requested information from Mr. Laurencel as to the presentation of a copy of the letter to the United States District Attorney; that is all.

Ques. 93.—What information did you request from him?

Ans .93.—As regarded the manner of presenting the copy of that letter; whether I should present it to Mr. Randolph as acting for the United States, or whether I should present it to the District Attorney himself in person.

Ques. 94.—What advice did Mr. Laurencel give you?

Ans. 94.—Mr. Laurencel stated to me that he himself would present that copy to the United States District Attorney in person, if I would allow him to take it.

Ques. 95.—Did you allow him to take it?

Ans. 95.—I did.

Ques. 96.—Was that interview with Mr. Laurencel held by appointment?

Ans. 96.—It was not exactly by appointment.

Ques. 97.—How then was it brought about?

Ans. 97.—By a letter which I wrote to Mr. Laurencel; that is to say, that he received information from me that I was desirous of seeing him at his earliest convenience.

Ques. 98.—What was the date of that letter?

Ans. 98.—I dont exactly recollect; it was a letter containing the letter from McNamara to me, which I had agreed to produce in the United States District Court, and for which, while I was in this Court on the 30th June, I sent a telegraphic dispatch, but it not having been found among my papers was not sent, until I sent it myself as above stated; with regard to the date I don't recollect exactly.

Ques. 99.—Had you received any letters from Laurencel or any agent of his before that time, relative to the Macnamara letter, or the letter of Alexander Forbes to you of the 28th March, 1848.

Ans. 99.—I had not.

Ques. 100.—Who was present at the interview between Laurencel and yourself when you advised with him as to the course you should take with that copy?

Ans. 100.—Mr. Eldridge, who is now present in this room; the brother of Mr. James Eldridge.

Ques. 101.—You have stated that your business with Mr. Lau-

rencel on that occasion related to testimony in the Fossat claim. How do you reconcile that statement with what you have said subsequently?

Ans. 101.—Perhaps I have stated incorrectly that my business was with him, whereas I should have said his business was with me, which business I was not aware of until his arrival, nor has it any connection with the matter at present under consideration.

Ques. 102.—What was Laurencel's business with you in the Fossat claim?

Ans. 102.—Mr. Laurencel desired me to interpret certain information that he desired to obtain from two individuals, respecting certain localities comprised in the Fossat claim.

Ques. 103.—Who were the two individuals?

(Question objected to on the ground of irrelevancy, inasmuch as the names of the said indiyiduals of whom information was sought as to localities on the Justo Larios ranch, are wholly irrelevant to the present issue.)

Ans. 103.—Augustin Narvaez, and Andres Martinez.

Ques. 104.—What were the localities concerning which you were interrogated?

(Objected to.)

Ans. 104.—The place called "Los Capitancillos."

Ques. 105.—Do you not remember any of the particular localities?

(Objected to.)

Ans. 105.—None more than what I have stated.

Ques. 106.—Do you not remember the name of any natural object cencerning which they were to be interrogated?

(Objected to as before.)

Ans. 106.—I do not.

Ques. 107.—Your attention is particularly drawn to the preceding question, and I now ask you to consult your memory to ascertain what natural objects Mr. Laurencel was desirous to learn the locality of from those individuals, and concerning which they were questioned.

Ans. 107.—I have already stated that Mr. Laurencel desired to obtain information as to the locality of the place call Capitancillos, and those individuals were interrogated upon that point.

Ques. 108.—Then I understand that you remember nothing more about that matter?

Ans. 108.—I think they were interrogated as to the locality of the stream called Capitancillos, further than that I don't recollect any more.

Ques. 109.—Whereabouts did this interview between you, Laurencel, Narvaez and Martinez take place? When, and who was present?

Ans. 109.—I first saw Mr. Narvaez at his own house; in like manner I saw Martinez at his own house; Mr. Laurencel and Mr. Eldridge were present, and another gentleman who was not present; I come to recollect now, this last gentleman was not present he was outside the door; this was Mr. Faxon, the Director of the Guadalupe mine.

Ques. 110.—When were these visits paid?

Ans. 110.—I do not remember the day; it was at the time and on the occasion to which I have alluded in the previous answer.

Ques. 111.—What occasion and what time?

Ans. 111.—Upon the occasion of which I have already testified, namely, Mr. Laurencel's visit to me, after I had transmitted to him Macnamara's letter to me.

Ques. 112.—Where do Narvaez and Martinez live?

Ans. 112.—On the tract of land owned by Narvaez, I think.

Ques. 113.—Do they live in different houses?

Ans. 113.—They do.

Ques. 114.—How far apart?

Ans. 114.—I should judge about three miles.

Ques. 115.—How far from your residence at Santa Clara?

Ans. 115.—Narvaez lives about 6 miles, and Martinez about 7 or 8 from my residence.

Ques. 116.—At what time of the day of your visit to those parties did Laurencel come to your house?

Ans. 116.—At 9½ in the morning.

Ques. 117.—At what hour did you start with him to pay those visits?

Ans. 117.—About that same hour.

Ques. 118.—Did you expect him to call at that hour, and had you made arrangements with him to pay those visits?

Ans. 118.—Yes.

Ques. 119.—How came you to expect him, and in what manner were those arrangements made?

Ans. 119.—I have already answered in the affirmative, and the mode of making them was a simple request on his part to accompany him.

Ques. 120.—I repeat the question: how came you to expect Mr. Laurencel on that business and on that morning?

Ans. 120. In consequence of his request to that effect.

Ques. 121.—When did he make that request to you?

Ans. 121.—On the evening previous to my accompanying him.

Ques. 122.—Where was that request made and in whose presence?

Ans. 122.—At my own residence in Santa Clara; I am not certain whether anybody else was present; my eldest daughter may have been present; I am not certain; Mr. Laurencel made that request in person.

Ques. 123.—What time of the evening was it when Mr. Laurencel paid you that visit and requested you to go the next day to see Narvaez and Martinez?

Ans. 123.—It might have been between 4 and 6 o'clock.

Ques. 124.—Did you expect Mr. Laurencel that evening?

Ans. 124.—I did not.

Ques. 125.—How long before the visit on that evening since you had last seen Laurencel?

Ans. 125.—On the same day.

Ques. 126.—What time of the day?

Ans. 126.—On the occasion of that visit which lasted about an hour.

Ques. 127.—I do not understand your last answer; you say that you saw Mr. Laurencel on a certain day, before he visited you in the afternoon of that day, and when asked how long before that visit was it that you had seen him, you say it was on the occasion of that visit; what do you mean?

Ans. 127.—I mean to say that I saw Mr. Laurencel twice the same day; the first time in the course of the forenoon.

Ques. 128.—Where did you see him the first time that day?

Ans. 128.—I think I have already stated that I saw him at my own residence.

Ques. 129.—Then I understand you to say that on the day previous to that of your visit to Martinez and Narvaez, Mr. Laurencel had visited you at your house in Santa Clara, twice, once in the forenoon and again in the afternoon between 4 and 6 o'clock, and that it was on the occasion of the last visit, he made the appointment with you to visit Martinez and Narvaez the next day; am I correct?

Ans. 129.—You are correct.

Ques. 130.—Previous to Mr. Laurencel's first visit to you on the day before you went to see Narvaez and Martinez, how long was it since you had seen him?

Ans. 130.—Since the 30th June; the day I was in San Francisco when I saw him in Court.

Ques. 131.—How long were you in paying these visits to Martinez and Narvaez?

Ans. 131.—I left my residence with Mr. Laurencel about 9½ and returned about 4½.

Ques. 132.—In what conveyance did you go?

Ans. 132.—In a carriage.

Ques. 133.—With whom?

Ans. 133.—Mr. Laurencel and Mr. Eldridge.

Ques. 134.—Which did you visit first, Martinez or Narvaez?

Ans. 134.—Narvaez.

Ques. 135.—What time did you reach his house, and how long did you stay there?

Ans. 135.—Sometime during 11 and 12 o'clock; we stayed a short time.

Ques. 136.—You say you started from your house at half past nine that morning; were you from that time until between 11 and 12 o'clock in getting to Narvaez's house?

Ans. 136.—On the road and in San José, where we stopped to refresh ourselves, it being rather hot.

Ques. 137.—Can you give no idea of the length of time that you stopped at Narvaez's house?

Ans. 137.—About one quarter of an hour.

Ques. 138.—Where did you go then?

Ans. 138.—To the house of Andres Martinez.

Ques. 139.—How long did you stop there?

Ans. 139.—About the same time.

Ques. 140.—Where did you go next?

Ans. 140.—To the Guadalupe mine.

Ques. 141.—Did you take Martinez or Narvaez, or either of them with you?

Ans. 141.—We did not.

(All testimony relative to Martinez and Narvaez objected to as irrelevant to the cause in issue, and uselessly encumbering the record.)

Ques 142.—How long did you stop at the Guadalupe mine?

Ans. 142.—Until about three o'clock in the afternoon.

Ques. 143.—Where did you go then?

Ans. 143.—To San Jose.

Ques 144.—How long did you stop there?

Ans. 144.—For a short time; from there I went home.

Ques. 145.—Where did you breakfast that day?

Ans. 145.—At my own house.

Ques. 146.—Where did you dine that day?

Ans. 146.—At my own house; I took a lunch at the Guadalupe mine.

Ques. 147.—Before the morning of the 13th July, when you

started from Santa Clara for Oakland, in company with the Deputy Marshal and Laurencel. it thus appears that you had seen Mr. Laurencel since the first of July on four separate occasions, two of which were his two visits to you on the day previous to your visits to Narvaez and Martinez, the third was on the day of those visits. and the fourth was on the evening when Laurencel accompanied the Deputy Marshal to your house when the latter served on you a subpœna in obedience to which you appear on this occasion before the Commissioner. Am I not correct?

Ans. 147.—I have so stated.

Before signing this declaration I desire to state that my answer to the question as to how many times before the 13th of July Mr. Laurencel visited me, was not inclusive of the visit of that day, and that of the evening previous.

JAS. ALEX. FORBES.

This is J. A. Forbes hand-writing.

CUTLER McALLISTER.
U. S. Com.

Examination adjourned until to-morrow, July 20, at 11 A. M.

SAN FRANCISCO, July 20, 1858.

Cross examination of J. A. Forbes this day continued.

PRESENT.—The United States Attorney by E. Randolph; A. C. Peachy for Claimant.

Ques. 148.—Was not Mr. Laurencel's visit to you on the evening before the 15th of July, the occasion when the subpœna was served on you?

Ans. 148.—Mr. Laurencel came that evening with the Marshal.

Ques. 149.—Had you seen Mr Laurencel before on that day?

Ans. 149.—I had not.

Ques. 150.—How many days before the 12th had you last seen him?

Ans. 150.—I had not seen him since the day when I accompanied him to the Guadalupe mine.

Ques. 151.—Do you mean by that the day on which you paid these visits to Narvaez and Martinez?

Ans. 151.—The same day.

Ques. 152.—When you parted with Laurencel on the day refer-

red to in your last answer, did he tell you when he would return to San Francisco?

Ans. 152.—He told me that he would return the following day.

Ques. 153.—Did he return?

Ans. 123.—I do not know.

Ques. 154.—When Mr. Laurencel visited you on the evening of the 12th instant, did he tell you that he had just come from San Francisco?

Ans. 154.—I do not recollect that he stated it to me in so many words, but I inferred from what he said that he had come from San Francisco.

Ques. 155.—How many days intervened between your visit with Mr. Laurencel to Martinez and Narvaez, and his next visit to you with the Deputy Marshal on the evening of the 12th?

Ans. 155.—I do not recollect exactly; three, four or five days.

Ques. 156.—Does not Mr. Laurencel speak Spanish?

Ans. 156.—I believe he has a partial knowledge of the language.

Ques. 157.—Have you never heard Mr. Laurencel converse in Spanish?

Ans. 157.—I have.

Ques. 158.—Does he not speak the Spanish language very well?

Ans. 158.—I believe that he has a better knowledge of the Castillian language than of the Californian language; by that I mean to say, that he is not well acquuinted with the provincialisms of California.

Ques. 159.—How long has Mr. Laurencel lived in California?

Ans. 159.—I have known him here seven or eight years, perhaps more.

Ques. 160.—Have you not known him here since 1848?

Ans. 160.—I think I have known him here since 1849.

Ques. 161.—Has not Mr. Laurencel had a great deal of social intercourse and business with the native inhabitants of California? Have you not frequently heard him converse with them, and do you not know his knowledge of their language to be such that he readily understands their provincialisms and can make himself understood by them?

Ans. 161.—I do not know that Mr. Laurencel's social relations with the natives of California have been intimate; nor do I believe that he understands well their provincialisms; while I do believe that he can understand them, and make himself understood by them to a certain extent.

Ques. 162.—Then I suppose you went with Mr. Laurencel to visit Martinez and Narvaez to be the interpreter of their provincialisms; is it not so?

Ans. 162.—I accompanied Mr. Laurencel to see those persons

for the purpose of interpreting what they might have mutually to say to each other ; one of them being a very old man, and deaf, and the other being aged also, Mr. Laurencel apprehended some difficulty in making himself understood by them or in understanding their answers.

Ques. 163.—Is Mr. Laurencel in the habit of employing an interpreter when he wishes to converse with the native inhabitants of California ?

Ans. 163.—I do not know.

Ques. 164.—How long have you lived in California ?

Ans. 164.—Over 29 years.

Ques. 165.—How long have you lived in what is now Santa Clara county ?

Ans. 165.—Abont 26 years.

Ques. 166.—You married in that county did you not ?

Ans. 166.—I did.

Ques. 167.—How long ago ?

Ans. 167.—24 years on the 4th July.

Ques. 168.—The lady whom you married is a native of California, is she not ?

Ans. 168.—She is.

Ques. 169.—How long have you known Martinez and Narvaez ?

Ans. 169.—I cannot state the exact length of time ; I have known those persons a number of years.

Ques. 170.—As many as ten ?

Ans. 170.—Yes ; I think more than twenty years.

Ques. 171.—How long have they resided in what is now Santa Clara county ?

Ans. 171.—Always, since I first knew them.

Ques. 172.—Are they connections of yours or of your family ?

Ans. 172.—None whatever.

Ques. 173.—You state in your explanation, written by yourself, in this deposition at the end of your examination on yesterday, before signing the same, that your answer to the question as to how many times before the 13th July Mr. Laurencel visited you was not inclusive of the visit of that day and that of the evening previous ; to which of your answers do you refer ?

Ans. 173.—The answers in this examination not being numbered, I referred to my first answer.

Ques. 174.—You were asked the following question, No. 86, on cross examination : How often have you seen Mr. Laurencel or any agent of his between the 1st and 13th of July ? To which you replied : Twice ; I saw Mr. Laurencel once before the service of the subpœna and once at that time. Is that the question and is that the answer to which you refer in your written explanation appended to

that part of this deposition, which was taken yesterday before you signed it?

Ans. 174.—Yes sir, I do refer to that question; I refer to that answer and I refer to the last answer on that day. It must be evident to Counsel that there was a misapprehension on my part with regard to that question, for in my last answer, I think it is, I stated fully the number of times that Mr. Laurencel had visited me, therefore manifesting no desire or wish to conceal anything, and in order to remove all misapprehension I have stated to the Commissioner that I now observe a mistake in the word "day" in Ques. No. 147, cross examination which should read "days." The word day which should be altered to days, occurs in that part of the question which reads as follows: "Two of which were his two visits to you on the (day) previous to your visits to Narvaez and Martinez."

Ques. 175.—Was not question No. 147 read to you more than once, and was not your attention particularly called to the number of Laurencel's visits to you, and to the days on which those visits were paid, and did you not after full and deliberate consideration of the question reply that it correctly set forth the facts embodied in it?

Ans. 175.—I do not recollect that the question was read over to me more than once, nevertheless I did answer to the truth, or I did state the facts; but I repeat that in the first question propounded to me respecting the number of visits made by Mr. Laurencel to me, that question was confined to the number of those visits prior to the visit made by Mr. Laurencel to me at my house on the evening of the 12th.

Ques. 176.—Then I understand you to say now that on the day previous to your visit to Martinez and Narvaez with Laurencel, Mr. Laurencel did not visit you twice?

Ans. 176.—I think I have stated that he visited me once on that day; I still think he visited me only once that day.

Ques. 177.—You have replied as follows to question 127, cross examination: "I mean to say that I saw Mr. Laurencel twice the same day; the first time in the course of the forenoon;" and when asked in question 128, cross examination, where you saw him, Mr. Laurencel, the first time that day, you replied, "I think I have already stated that I saw him at my own residence." You are next asked the following, question 129, cross examination: "Then I understand you to say that on the day previous to that of your visit to Martinez and Narvaez, Mr. Laurencel had visited you at your house at Santa Clara twice, once in the forenoon and again in the afternoon, between 4 and 6 oclock, and that it was on the occasion of the last visit he made the appointment with you to visit Martinez and Narvaez; am I correct?" To which you replied, "you are correct." How do you reconcile those answers of yours with your last answer?

Ans. 177.—It is true that I stated that Mr. Laurencel had visited

me twice; the visit on the first day alluded to I considered one visit, and the second visit was on the day I accompanied him to the Guadalupe mine.

Ques. 178.—Is that the only explanation you have to make?

Ans. 178.—And in this sense I assented yesterday to the question propounded to me by Mr. Peachy in regard to the number of visits being four up to and including the time of my accompanying the U. S. Marshal and Mr. Laurencel to this city.

Ques. 179.—You have said in your answer to question 174, cross examination, "in order to remove all misapprehension that I now observe a mistake in the word *day*, in question No. 147, cross examination, which should read *days*; the word *day* which should be altered to *days*, occurs in that part of the question which reads as follows: 'two of which were his two visits to you on the *day* previous to your visits to Narvaez and Martinez,'" you mean by that, do you not, that Laurencel, after the 1st July, visited you on the day previous to your visit to Narvaez and Martinez, and on some prior day?

Ans. 179.—I do not; I mean to say that the alterations alluded to in the word *day* is proper in order to explain that prior to the 12th July Mr. Laurencel had visited me twice, and that I considered that although he was at my house twice on the first day, I considered it one visit.

Ques. 180.—On what *days* previous to your visit to Narvaez and Martinez, and after the first July, had Mr. Laurencel visited you?

Ans. 180.—On the days I have already testified to; the day before that visit, and on the day on which that visit was made.

Ques. 181.—You have altered to suit yourself your answer to question 147, cross examination, so as to make your answer read, that two of Mr. Laurencel's visits to you were on the *days* instead of the *day* previous to your visit to Narvaez and Martinez, and in your last answer you make a still further correction by considering one of those days to be the day itself on which you make the visit to Martinez and Narvaez; do you think you can properly consider that day as previous to itself? Please explain this.

Ans. 181.—I did not pretend to state that the day was previous to itself; but I do insist upon the fact that Mr. Laurencel did visit me twice before I accompanied him to see those parties, and that his last visit to me was prior to my so accompanying him.

Ques. 182.—You first change the word day into days, and then you change two visits into one visit, so that I cannot understand you exactly. In your last answer you insist with emphasis upon the fact that previous to the day of your visit to Narvaez and Martinez, Laurencel had visited you twice. In your answer to question 176, cross examination, you say, "I think I have stated that Laurencel visited me once on that day; I still think he visited me only once that day,"

meaning the day previous to the day of your visit to Martinez and Narvaez. How do you reconcile this with your last answer?

Ans. 182.—All that I have to say on that subject is, that I did not mean to say that Mr. Laurencel had visited me twice previous to that day; that I considered he had made me but one visit on the day previous to my accompanying him to see those parties, and another on the morning of the day on which I so accompanied him.

Ques. 183.—In your answer to No. 86, cross examination, to the question, "How often you had seen Mr. Laurencel, or any agent of his, between the 1st and 13th July," you say that you saw Mr. Laurencel twice within that period, once when the subpoena was served upon you, which was the evening of the 12th July, and once before that time. In answer to subsequent questions you say that you saw Mr. Laurencel at your house twice on the day previous to your visit to Martinez and Narvaez, and afterwards on the day of those visits. How do you reconcile these last answers to answer No. 86?

Ans. 183.—My answer is correct; I stated that before the service of the subpoena upon me I had seen Mr. Laurencel twice, alluding to the occasions of his two visits to me which I have already explained, and if I have stated that I saw him on two occasions on one of those visits, it was in order to show my willingness to give the counsel all the information de desired to obtain on the subject.

Ques. 184.—In your answer No. 86, cross examination, you say that between the 1st and 13th July you saw Mr. Laurencel twice, and you specify in that answer the two occasions on which you saw him, and you declare one of those occasions to have been the time of the service of the subpoena on you, and the other to have been sometime previous to that service. I cannot see how your answer 86 agrees with your subsequent answers as to the time at which you saw Mr. Laurencel. Have you no further explanation to make?

Ans. 184.—I regret that the gentleman finds so much difficulty in comprehending my answers. I will state in further explanation that my answer No. 86 is still correct, for I therein stated that I had seen Mr. Laurencel twice, or upon two occasions, once upen the occasion of his visits to me with regard to my accompanying him to the Guadalupe mine, and once on the occasion of my being served with a subpoena by the Marshal. I did not mean to recapitulate with regard to that first occasion the number of times that Mr. Laurencel had spoken to me, but simply that I had seen him on those two occasions, the occasion of the presentation of the subpoena to me, and upon the occasion of his coming to see me on matters of business.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 21, 1858, at 11 A. M.

San Francisco, July 21, 1858.

Cross examination of James Alexander Forbes, a witness produced on behalf of the United States this day continued.

PRESENT:—U. S. District Attorney and E. Randolph for United States; A. C. Peachy for claimant.

Question 185.—Am I to understand you as saying in your last answer on yesterday's examination, that when, in answer to question 86, cross examination, you said you had seen Mr. Laurencel after the 1st July only once before the subpoena was served upon you on the 12th July, you intended that *once* to comprehend, first, his visit to you at your residence in Santa Clara, in the forenoon of the day previous to the day on which you visited Narvaez and Martinez; second, his visit to you at your residence on the afternoon of the same day, and thirdly, his visit to you on the day when you accompanied him to see Narvaez and Martinez, on which day it appears from your testimony you were in Mr. Laurencel's company from half past nine o'clock in the morning till half past four or five o'clock in the afternoon?

Answer 185.—During the last three days I have endeavored to answer satisfactorily the questions propounded to me by the counsel for the claimant. In answer to the question now put to me, I now state that I am unable to give any further explanation of this matter than that given in my last answer yesterday, and in those answers which preceded it.

(Question and answer objected to as irrelevant and uselessly encumbering the record, and the counsel for the U. S. now offers to admit that Mr. Laurencel within that time referred to in the repeated questions of the counsel for the claimant, made four visits to Mr. Forbes, or that he made only one visit, or two visits, which included four calls or interviews at short intervals, just as the counsel for claimant may prefer to have it stated.)

Question 186.—If, in answer to question 86, you *did* use the word "once" in such a comprehensive and unusual sense, do you not think your language was calculated to conceal and falsify the true nature, extent, and frequency of your intercourse with Mr. Laurencel just before the production of this copy of the lost original, instead of exposing that intereourse fully, as you have frequently expressed your willingness to do during the course of this examination?

Answer 186.—I do not for a moment entertain such an opinion: and I repeat that I have had no intention whatever to conceal anything in the matter.

(Counsel for the U. S. renews his objection to wasting any more time upon the subject of Mr. Laurencel's intercourse with the witness on the occasion referred to.)

Question 187.—Is this the same Mr. Laurencel who paid you $20,000 for the use of the letters and documents which were proven by you on your examination begun on the 14th Dec. 1857, and at whose instance, or that of his attorney, after he had made that purchase from you, you gave your evidence in the case of Charles Fossat vs. the U. S. ?

(The counsel for U. S. admits that this Mr. Laurencel is the man intended to be designated in the foregoing question.)

(The counsel for the claimant insists upon the witness answering.)

Answer 187.—I wish to state that I did not refuse to answer this question, and that I do answer it affirmatively.

Question 188.—Mr. Laurencel is largely interested in the Fossat claim, is he not ? and is endeavoring to make his claim include the Almaden mine, is he not ?

(Counsel for U. S. admits that Mr. Laurencel is owner of one half of the Fossat claim, and claims in his boundaries to include the New Almaden mine, as appears by the records of this court, as is well known by the counsel for claimant.)

(Counsel for claimant objects to this course of proceeding on the part of the Attorney for the U. S., upon the ground that these admissions are palpable directions or guides to the witness as to the mode in which the question may be answered ; and the counsel for the claimant in this cross examination is not seeking for, nor does he desire the Attorney for the U. S. to make admissions. He is now cross examining this witness under circumstances which entitle him not to be interfered with by the Attorney for U. S. in the conduct of that cross examination.)

(The counsel for the U. S. wishes to interfere no further than to concede the points which the counsel for the claimant seeks to establish by his questions on this cross examination, and so to abridge the great prolixity of the examination.)

Answer 188.—I never knew until a few moments since the extent of Mr. Laurencel's interest in the Fossat claim. The legal proceedings which have taken place in that case show that he so claims it.

Question 189.—He is largely interested in defeating the Castillero claim to the Almaden mine, is he not?

Answer 189.—I do not know to what extent he may be interested in defeating it.

Question 190.—When did Mr. Laurencel first know of the existence of Alex. Forbes' letter of the 28th March, 1848, which you say was stolen from you?

Answer 190.—I do not recollect the exact date on which I informed him of that letter.

Question 191.—I did not ask you for the exact date; state about what time.

Answer 191.—I showed Mr. Laurencel a copy of that letter after the 1st day of this July.

Questian 192.—Where did you show it to him?

Answer 192.—At my own house.

Question 193.—Why did you not show him the original?

Answer 193.—Because I did not have it in my possession.

Question 194.—In whose possession was it?

Answer 194.—I am unable to say. I have already said that letter was stolen from me on the 30th June.

Question 195.—Do you not remember that you were examined in this case on the 30th June; where was the original letter on that day?

Answer 195.—I certainly do remember I was examined on that day. The letter was then in my possession.

Question 196.—Was it on your person at the time of giving your testimony on that day?

Answer 196.—It was.

Question 197.—While you were selling to Mr. Laurencel certain documents for a pecuniary consideration, the value of which depended upon their effect as proofs of fraud in this claim, why did you not, for the purpose of enhancing the value of the evidence which Mr. Laurencel bought from you, include this original letter among those you sold; might you not thereby have procured a larger price from Mr. Laurencel?

Answer 197.—I have already stated that I sold no documents to Mr. Laurencel, but that he paid me for a specific use of those papers, and if this letter had been then in my possession, or rather accessible to me, I would have presented it with the others; but it had been mislaid, and I had forgotten where I had put it.

Question 198.—You would have presented it to whom?

Answer 198.—I would have presented it, or would have included it with the other papers which I had agreed should be used, as above stated, by Mr. Laurencel.

Question 199.—While you were making selections from your correspondence for Mr. Laurencel's inspection and for sale, did it occur

to you there was such a letter in your possession as this of the 28th March, 1848 ?

Answer 199.—I must repeat again that the object of the presentation of those papers was not that of sale. I certainly did recollect of the existence of the letter alluded to, and that having received it a long time before the dates of the correspondence which I allowed Mr. Laurencel to use, I had laid the letter in question aside among some other papers, and I was unable to lay my hand upon it when the aforesaid correspondence was submitted to the inspection of Mr. Laurencel.

Question 200.—I find among the correspondence which you presented to Mr. Laurencel, and which in your preceding answer you say was a long time subsequent to the 28th March, 1848, a letter from Alex. Forbes to yourself, dated Tepic 11th May, 1846, marked " O. H. No. 16." I find another letter from Alex. Forbes to yourself dated 2d Sept., 1846, marked " O. H. No. 17." I find another letter from Alex. Forbes to yourself dated Tepic 7th Jan'y, 1847, marked " O. H. No. 18." I find another letter from Alex. Forbes to yourself dated 1st Oct., 1847. I find another lettnr from Alex. Forbes to yourself, dated 19th Jan'y, 1848, marked " O. H. No. 20." I find another letter from Alex. Forbes to yourself and Padre Real, dated 24th Nov., 1847, marked " O. H. No. 21," and another letter from him to you, dated Nov. 19, 1847 ; and another from him to you dated 1st Feb'y, 1848, and also the petition, or copy of the petition of Alex. Forbes to the Justice of the Peace, dated 19th Jan'y 1848, marked " O. H. No. 24 ; " how then can you say that you received this letter of the 28th March, 1848, a long time before the dates of the correspondence which you allowed Mr. Laurencel to use ?

Answer 200.—If the gentleman had read a little further he would have found letters dated 1849 and 1850. I do not understand that the copy of the petition is a letter. My answer alluded to those letters which were considered of the greater importance in that correspondence, which were comprised in the dates I have mentioned, '49 and '50.

Question 201.—In the preceding question I did not attempt to enumerate fully all the letters and documents constituting the correspondence which you allowed Mr. Laurencel to use. I merely called to your attention those which bore date prior to the 28th March 1848, because in your answer No. 199, cross-examination, you said that you were unable to lay your hand upon the letter of 28th March, 1848, when the aforesaid correspondence was submitted to the inspection of Mr. Laurencel, for the reason that you received it a long time before the dates of the correspondence which you allowed Mr. Laurencel to use. I desired to know, and now ask you, if you had no other reason than that assigned in your answer No. 199 for not showing that letter at that time to Mr. Laurencel ?

A. 201.—In my said answer to Question 199, I had in view the dates of those letters of that correspondence which were considered of the most importance. I had no other reason than I have stated.

Q. 202.—It appears from the correspondence which you did exhibit to Mr. Laurencel, that you made selections from letters received by you in the years 1846, '47 and '48; must you not have examined your correspondence during those years in order to make such selections, and can you say now, that the letter of the 20th March, 1848, was not exhibited to Mr. Laurencel, nor included among those the use of which you sold him, because you had failed to look over your correspondence during the years 1846, '47 and '48, for documents or letters which might serve Mr. Laurencel's purposes and your own?

A. 202.—I do state that I examined my correspondence. I also state that that letter, dated 28th March, 1848, was not included in the documents submitted to the inspection of Mr. Laurencel for the cause already explained, viz: that I had mislaid it.

Q. 203.—At the time you were making selections from your correspondence for the purpose of selling the use of such to Mr. Laurencel, did you remember to have received from Alex. Forbes a letter of the purport of that of the 28th March, 1858?

A. 203.—I did remember of having received that identical letter.

Q. 204.—Did you then make search for it?

A. 204.—I did; at that time and subsequently.

Q. 205.—Did you mention at that time to Mr. Laurencel, that you had received such a letter?

A. 205.—I did not.

Q. 206.—Why not?

A. 206.—I was unwilling to state to him the purport of any document I had in my possession, without being able to produce it.

Q. 207.—Why?

A. 207.—It is quite obvious that Mr. Laurencel would have desired to see the document, and my not being able to produce it was a motive for my not stating that I had such a document in my possession.

Q. 208.—Do you suppose that Mr. Laurencel would have been so unreasonable as to make his desire to see that letter troublesome to you, after you had told him that you had searched all your papers for it and could not find it?

A. 208.—I do not know how reasonable or unreasonable Mr. Laurencel might have been in the matter, but I presumed that he would have required ocular proof of the existence of that letter.

Q. 209.—What right would he have had to require ocular proof of the existence of that letter; and what reason would he have had to doubt the truth of your story about it?

A. 209.—Under the supposition that I had stated to Mr. Laurencel that I had such a letter in my possession, and if I had offered to allow him to have the use of that letter, I think he would have had a right to have asked for the inspection of it. I did not state that I related any story to Mr. Laurencel with regard to that letter, nor upon any other matter.

Q. 210.—When did you make the copy of that letter which is annexed to Robert Birnie's deposition?

A. 210.—I do not know what letter is exhibited to that deposition, please explain.

Q. 211.—It is that written instrument in your handwriting, which you have declared in that deposition to be a copy of Alex. Forbes' letter to you, dated Monterey, 28th March, 1848.

A. 211.—I do not recollect the exact day in which I made that copy. Somewhere about the beginning of June or end of May, I think.

Q. 212.—Whom did you first tell of the loss of that letter, and when?

A. 212.—On my return from San Francisco to my residence, I mentioned it to members of my family, viz: to my wife and eldest daughter.

Q. 213.—At what hour, on the 29th June, did you leave Santa Clara for San Francisco?

A. 213.—About half-past seven o'clock.

Q. 214.—By what conveyance did you come?

A. 214.—By the mail stage.

Q. 215.—At what hour did you reach San Francisco?

A. 215.—About half-past three.

Q. 216.—Where did you put up?

A. 216.—At the Railroad House.

Q. 217.—Who came with you from Santa Clara?

A. 217.—Twenty-six passengers; among whom was the U. S. Marshal, who had served me with a subpena.

Q. 218.—What baggage did you bring?

A. 218.—One carpet-bag, containing my shaving apparatus and change of linen.

Q. 219.—At what hour did you register your name at the Railroad House?

A. 219.—At the hour at which I arrived there.

Q. 220.—What hour was that?

A. 220.—Perhaps it might have been twenty minutes to four. I proceeded there as soon as I arrived, which I have said was about half-past three.

Q. 221.—How long after you registered your name before you saw Robert Birnie?

A. 221.—About five minutes, or ten.

Q. 222.—Was he expecting you at that time?

A. 222.—I presume he was.

Q. 223.—Did you expect him?

A. 223.—I did; I had requested him to meet me there. I had sent a telegraphic dispatch to him on the 28th, the preceding morning, on which I had been subpenaed.

Q. 224.—Did you bring with you from Santa Clara Alex. Forbes' letter of 28th March, 1848? I mean the original.

A. 224.—I did.

Q. 225.—Did you bring it on your person, or in your carpet-bag?

A. 225.—In my carpet-bag.

Q. 226.—Where was your carpet-bag on the stage?

A. 226.—Beneath my feet, in my own sight.

Q. 227.—After you reached the hotel when did you first take that original out of your carpet-bag?

A. 227.—On the evening of the same day.

Q. 228.—At about what hour, and for what purpose?

A. 228.—It was before dark, and for the purpose of showing it to Mr. Birnie.

Q. 229.—How long was Mr. Birnie engaged in examining it?

A. 229.—Sufficiently long for him to read it.

Q. 230.—And to commit it to memory?

A. 230.—I presume he committed to memory the important part in that letter. I wish to state that Mr. Birnie had been soliciting from me, for a long time previous, copies of letters or documents prejudicial to the claim of New Almaden, that might be in my possession; he having told me that he was employed for that object.

Q. 231.—After Birnie had read this letter, what did he do with it?

A. 231.—Returned it to me.

Q. 232.—And what did you do with it?

A. 232.—I put it in my pocket.

Q. 233.—How long did you keep it there?

A. 233.—I kept it there until I went to bed.

Q. 234.—How long after Birnie returned it to you before you went to bed?

A. 234.—I went to bed very soon after eight o'clock.

Q. 235.—After Birnie returned you the letter, did you go out of the hotel before you went to bed?

A. 235.—I think I walked up to a book-stand, a short distance up Commercial Street, immediately after Birnie perused the letter.

Q. 236.—Before going to bed, did you take the letter out of your pocket, and lock it up in your carpet-bag?

A. 236.—I took it out of my pocket and put it under my pillow.

Q. 237.—On the 30th June, where was that letter from the time you left your room in the morning until you allowed Birnie to make a copy of it?

A. 237.—On my own person.

Q. 238.—After Birnie had made the copy and handed back the letter to you, you say you locked it up in your carpet-bag; at what hour was this?

A. 238.—I have not so stated on this cross-examination. I said in my statement that I had locked it up in my carpet-bag. As soon as Mr. Birnie handed me the original, from which he had taken a copy, I put that original back in my pocket.

Q. 239.—Where were you when you put the letter in your pocket?

A. 239.—In my room at the Railroad House.

Q. 240.—How long did you stay in the room after you put the letter in your pocket?

A. 240.—I do not exactly recollect how long I remained in the room, but I remained in the house till about a quarter past nine, at which time I left my room and went below in the dining saloon for the purpose of getting a cup of tea. I found the chairs and tables piled up in that dining room, and that I could not get what I wanted. I returned to my room and deposited that letter in my carpet-bag. I came down stairs again after locking my room; I proceeded to Montgomery Street, to a German coffee-house, where I obtained the refreshment I required, and immediately thereupon returned to my lodgings for the purpose of retiring to rest. On examining my carpet-bag, I found that that letter was missing. I then went to bed.

Q. 241.—What time elapsed after leaving the hotel before you went to bed?

A. 241.—Probably an hour.

Q. 242.—Did you go out of your room again that night?

A. 242.—I did not.

Q. 243.—Was any person in your room after you returned to it, before you went to bed?

A. 243.—There was no person.

Q. 244.—At what hour did you come out of your room next morning?

A. 244.—I think it was about half-past six.

Q. 245.—After you arose that morning, and before you left your room, was there no person in your room?

A. 245.—There was none.

Q. 246.—Do I understand you to say that from the time you entered your room, about ten o'clock, on the night of the 3d June, you saw no person until you left your room next morning?

A. 246.—I so state.

Q. 247.—Did you leave San Francisco on the morning of 1st July, if yea, state at what hour and by what conveyance?

A. 247.—I left at nine o'clock on the steamer Sophie.

Q. 248.—After you left your room on the morning of the 1st July, did you see Robert Birnie on that day?

A. 248.—I did not.

Q. 249.—Where were you from the time you left your room that morning until you went on board the steamer Sophie?

A. 249.—I remained at the hotel.

Q. 250.—Did you complain to any one of the theft which had been committed?

A. 250.—I did state to the landlord of the hotel that an important paper had been purloined from me, without specifying what that paper was.

Q. 251.—Was that statement made before or after breakfast on the morning of the 1st July?

A. 251.—I think it was about the time of my going into breakfast.

Q. 252.—Was it not after you came from breakfast and while you were paying your bill?

A. 252.—No; I think it was when I went in to breakfast. It is possible the subject might have been touched upon again when I was paying my bill.

Q. 253.—How long after you left your room before you went to breakfast?

A. 253.—Perhaps I might have gone to breakfast quarter-past eight.

Q. 254.—Where were you during that interval?

A. 254.—I remained in the hotel; was a short time in the barber's shop reading the papers.

Q. 255.—Did you seek Robert Birnie that morning?

A. 255.—I did not.

Q. 256.—Was Robert Birnie in your chamber when you put that letter in your carpet-bag?

A. 256.—He was not.

Q. 257.—When you took the letter out of your carpet-bag, on the evening of the 29th June to show it to Robert Birnie, did he see you take it out of the bag?

A. 257.—He did not.

Q. 258.—Where was he when you took it out of the bag?

A. 258.—He was below stairs in the saloon.

Q. 259.—Was it in the saloon he read the letter?

A. 259.—It was.

Q. 260.—Did you go to your room for the purpose of getting that letter to show to Birnie?

A. 260.—Birnie was below stairs when I passed up to my

room a short time after my arrival, at which time I took the letter from the carpet-bag.

Q. 261.—Did you dine at the Railroad House after your arrival?

A. 261.—I did.

Q. 262.—Did Birnie dine there at the same time with you?

A. 262.—I do not recollect whether he did or not.

Q. 263.—Was it before or after dinner you showed Birnie this letter?

A. 253.—I think it was before dinner.

Q. 264.—When you left Birnie to go to your chamber to get this letter for the purpose of showing it to him, had you agreed to let him see it?

A. 264.—I had not.

Q. 265.—Had you mentioned to him its existence?

A. 265.—In the conversation I had with Mr. Birnie, upon that occasion, I had mentioned to him that I could not comprehend the reason why I had been subpenaed on the part of the claimant in this case; asking him, at the same time, if he knew. He replied that he did not, but that he would endeavor to obtain information upon that point; and accordingly he went away, and after a short absence he returned to me and stated to me that he had asked Mr. Barron the cause of my being so subpenaed. He then urged upon me to let him see any document that I might have, prejudicial to the mine of Almaden, that he felt himself in a disagreeable position with the agents of the mine, who had employed him, and who thought that his representations that I so had some document or other, were unfounded. I replied to him that I would give him ocular proof of the existence of such a document, and thereupon I showed him the letter. I omitted to state that Birnie told me that Mr. Barron had informed him that I was called to prove certain letters or papers which would be exhibited to me in court.

Q. 266.—Please answer the preceding question.

A. 266.—I had mentioned the existence of that document to Mr. Birnie for months previous to my coming to San Francisco upon that occasion, without specifying its contents.

Q. 267.—I understand you then to say that several months previous to your coming to San Francisco on that occasion, you told Birnie that you were in possession of a letter addressed to you and written by Alex. Forbes. Am I correct?

A. 267.—You are incorrect. I never told Birnie the nature of any paper in my possession, nor did I even mention to him whether it was a letter or not.

Q. 268.—What do you mean then by saying in your Answer 266, cross-examination, that several months previous to that

occasion you had mentioned to Birnie the existence of that document, referring to Alex. Forbes' letter of 28th March, 1848, but that you had not specified its contents to him?

A. 268.—I did not say that I had mentioned to Birnie that I had a document, referring to that letter; and perhaps it would have been more proper for me to have used in place of the word "nature," in my last answer, the words "specific contents." I merely stated to Mr. Birnie, at the different times of his applications to me that I had a document that I meant to present the U. S. Court when I thought proper.

Q. 269.—Did you tell Birnie on that or on any other occasion, what bearing that document would have on this claim?

A. 269.—I do not recollect of having stated to Mr. Birnie anything specific with regard to its bearing on the title of the claimants in this case, other than it would corroborate matters set forth in a part of the correspondence which had already been made public.

Q. 270.—Did you tell Birnie what part of that correspondence it would corroborate?

A. 270.—I did not state to him anything specifically.

Q. 271.—In the preceding question I did not ask you to state anything specifically. Consider the question directed to what you told Birnie on the subject, either generally or specifically, and with that understanding, answer it.

A. 271.—I repeat my Answer 269, cross-examination.

Q. 272.—That answer is not satisfactory; it does not respond to the question. I repeat Question 271.

A. 272.—I merely stated to him that that document would corroborate matters contained in a part of the correspondence which had already been made public.

Q. 273.—That answer is unsatisfactory. It does not respond to the question.

A. 273.—I am unable to comprehend the question so as to answer it in any other manner than as shown by my answers.

Q. 274.—Then I understand you to say that you did not tell Birnie what part of that correspondence the document in your possession would corroborate.

A. 274.—I did not particlarize any part of that correspondence to Birnie.

Q. 275.—Although you did not particularize any part of that correspondence to Birnie, will you have the kindness to tell me now what part of it you had in your mind when you made these statements to Birnie?

A. 275.—I cannot state that I had any particular part of it in my mind.

Q. 276.—What was it then which the document in your possession was to corroborate?

A. 276.—It was to corroborate the fact that in a part of that correspondence there appears that something was wrong with regard to the title of New Almaden.

Q. 277.—In what part of that correspondence does it appear that something is wrong in the title?

[Question objected to because the correspondence referred to is already in evidence in this case and speaks for itself, and the question seeks only the opinion of the witness, which is not admissible in evidence for any purpose.]

A. 277.—In different parts.

Q. 278.—I now request you to answer specifically, so far at least as to enumerate some particular parts.

A. 278.—My memory does not serve me with sufficient correctness to enable me to enumerate specifically the parts asked for by counsel.

Q. 279.—Can you not state one single part of that correspondence which that document would corroborate?

A. 279.—I can state some of that correspondence, but not specifically, nor with the precision the counsel requires.

Q. 280.—Well, then, state it in your own way.

A. 280.—I should be unable to state it more than in general terms.

Q. 281.—Then state it in general terms.

A. 281.—Then I state it generally by referring to that correspondence itself.

Q. 282.—Have you nothing more to say in answer to the last question?

A. 282.—I have not.

JAS. ALEX. FORBES.

Adjourned until to-morrow, 22d instant, 11 A. M.

JNO. B. WILLIAMS.

SAN FRANCISCO, July 22, 1858.

CROSS-EXAMINATION OF J. A. FORBES, THIS DAY CONTINUED.

Present: U. S. Attorney by E. Randolph; A. C. Peachy, for claimant.

Q. 283.—When you returned to your room on the night of 30th June, did you find your door locked?

A. 283.—I did.

Q. 284.—When you left your room that night to go to the

coffee house, did you take the key of your room with you, or did you leave it at the office of the hotel?

A. 284.—I took it with me.

Q. 285.—When you discovered that the letter was lost, did you find the lock of your carpet-bag broken?

A. 285.—I did not.

Q. 286.—Was it locked?

A. 286.—It was.

Q. 287.—Why did you not immediately make known to the landlord the theft which had been committed? Why did you not call upon him that night, as soon as you discovered the theft, and take steps to recover the document, or to ascertain who had taken it?

A. 287.—Owing to the late hour of night, and my belief that it would have been impossible to ascertain who had taken the letter, I did not take any steps that night to obtain any trace of that letter or the person who had taken it.

Q. 288.—Did you take any steps the next morning to ascertain who had taken it?

A. 288.—I did not.

Q. 289.—Have you ever taken any steps to ascertain who had taken that document, or to recover it?

A. 289.—Believing that any steps towards that object would be fruitless, I have not taken any.

Q. 290.—What was the number of the room you occupied when this document was taken?

A. 290.—No. 44—one of a suite of rooms on the third floor.

Q. 291.—When you arrived at the Railroad House on the 13th inst., did you register your name?

A. 291.—I did not arrive there on the 13th inst.

Q. 292.—When you arrived there on the 14th inst. did you register your name?

A. 292.—I did not.

Q. 293.—The landlord requested you to register you name, did he not; to which you replied, no, you preferred not to do it, adding, "I believe I am watched; you know I am the man who had papers stolen from me when I was last here." Is that not so?

A. 293.—When I arrived at the hotel, the landlord presented me with the pen, with the view that I should register my name. I mentioned to him that upon other occasions I had been watched there, and that at that time I did not wish to be annoyed as I had been hitherto. I requested him to take a note of the time of my arrival, which he did. I do not recollect of having mentioned to him at that time that I was the person from whom the papers had been robbed; yet it is possible that I may have mentioned it.

Q. 294.—Having been watched at that hotel on other occasions, why did you continue to put up there, and especially when you had this valuable letter with you?

A. 294.—I had for a long time been accustomed to put up at that house. I had no valuable letter or document in my possession at that time.

Q. 295.—I intended my question to refer to your putting up there on the 29th of June. With this understanding, answer the question.

A. 295.—I stopped there on the 29th of June because I thought I would be safe there, although I had been watched there on a former occasion. I consider the reputation of the house good.

Q. 296.—In your answer to Question 293, cross-examination, you say you stated to the landlord that you had been watched on other occasions. In your last answer you say you had been watched on a previous occasion. Am I to understand you to say that you have been watched only on one occasion, or on more than one occasion?

A. 296.—It is true that I told the landlord that I believed I had been watched on previous occasions; and referring to my answer as to my arrival there on the 29th of June, I said that I had been watched on a previous occasion.

Q. 297.—If you had been watched on previous occasions at that house, would it not have been prudent for you to have gone elsewhere, especially while you had with you such a valuable document as the letter of the 28th of March, 1848, while admitting that the Railroad Hotel is a very reputable house?

A. 297.—Perhaps it might have been more prudent.

Q. 298.—Would it not also have been more prudent and more natural for you to have taken steps to recover this lost document?

A. 298.—No, sir; because I was convinced that that document was forever lost to me.

Q. 299.—Why did you not take steps to ascertain who had robbed you of that document; for although you might have felt convinced that the document was destroyed and lost to you forever, would there not have been some satisfaction in ascertaining who had stolen it?

A. 299.—I have already stated that I considered it fruitless for me to attempt to ascertain or find out who the person was that took it; yet it would be very satisfactory to come at the knowledge of the person who took it, or who may have it, or who destroyed it.

Q. 300.—Why would such an attempt have been more fruitless for you than for any other person?

A. 300.—I did not state that it would have been more fruit-

less for me to make such an investigation than it would for any other person.

Q. 301.—What was there so peculiar about the circumstances of this alleged robbery, as to render all attempts to recover the document, or to ascertain who had stolen it, so utterly hopeless that you would not undertake it yourself nor suggest to the U. S. District Attorney, or to Mr. Laurencel, the propriety of doing so? Why, at least, did you not inform the U. S. District Attorney, or Mr. Laurencel, of the fact that this robbery had been committed, making known to them the contents of the stolen instrument, and leaving to their discretion the course proper to be pursued?

A. 301.—From the adroit manner in which that paper was taken, and my knowledge that it was only interesting to certain parties, I believed that any efforts on my part to recover it, or ascertain who had taken it, would be entirely fruitless. I did not take any steps for its recovery. My affairs required my presence at home, whither I proceeded, and as soon after as I thought proper I sent a copy of that letter to the U. S. District Attorney, communicating to him the fact of its robbery, and when it was effected.

Q. 302.—You reached home on the 1st July, did you not? How long was it after that before you thought proper to send the District Attorney a copy of the stolen letter, with an account of its loss?

A. 302.—As far as my recollection serves me, I think it was five or six days.

Q. 303.—By what means did you communicate with the District Attorney?

A. 303.—By sending him a message by Mr. Laurencel, with a copy of the letter above spoken of.

Q. 304.—How did you communicate with Mr. Laurencel?

A. 304.—I had a personal interview with him on one of the occasions to which I have testified.

Q. 305.—On which of those occasions?

A. 305.—On the first.

Q. 306.—That is to say, on the occasion of his visit to you in the forenoon of the day previous to that on which you visited Narvaez and Martinez. Am I correct?

A. 306.—Not exactly. I do not wish to jumble up those occasions again. It was on the occasion of the first visit, or the visit prior to the 12th of July.

Q. 307.—As it suits your purpose, in the latter part of this cross-examination, to regard it as impossible for one person to pay another two visits on the same day, or three visits on two days, please to state at what time in Mr. Laurencel's visit to you, which began on the forenoon of one day and was resumed

in the afternoon of that day, and was taken up again the next morning at half-past nine, A. M., and continued from that hour until half-past four or five, P. M., was it, that you gave him the message to the District Attorney.

A. 307.—I wish to state that, throughout this whole examination, my wish and also my intention has been to answer freely and fairly every question propounded to me. I state in answer to the question now propounded to me, that I encharged Mr. Laurencel with the message to the U. S. District Attorney and the copy of the letter referred to, at the time last specified in the question.

Q. 308.—That is to say, on the day of your visit to Narvaez and Martinez. Am I correct?

A. 308.—I answer affirmatively.

Q. 309.—In your answer to Question 301, cross-examination, you state two reasons for your belief that any efforts to recover the stolen paper, or to ascertain who had taken it, would be entirely fruitless, viz: First, the adroit manner in which that paper was taken, and, second, your knowledge that it was interesting only to certain parties. Please to state what there was so peculiarly adroit as to render hopeless all efforts to recover the paper or to find out who had taken it.

A. 309.—I have stated that the paper was taken in an adroit manner, because it was so taken as I have already stated, and therefore that I did consider, and do still consider, it entirely fruitless to obtain a knowledge of the person who took it.

Q. 310.—Do you not suppose that that robbery was committed by some person who entered your room through the door entering into the passage?

A. 310.—It is impossible for me to know whether my room was entered by the door which leads to it from the passage, or whether an entrance was effected by the window. It is proper for me to explain that the room which I occupied on the occasion referred to, is one of a suite of rooms on that side of the building; that in that suite of rooms, those numbered from 43 to 48, both inclusive, have each a window on the western side, and beneath those windows, at a distance of about three feet, is a terraced roof of the adjoining building, rendering all those rooms accessible by those windows, which have sashes opening like doors, with a catch in the middle.

Q. 311.—When you entered your room, did you find your window open?

A. 311.—I did not.

Q. 312.—Did you examine the window after you found that the theft had been committed, to see whether or not it was fastened?

A. 312.—I did.

Q. 313.—What did you find out about it?

A. 313.—I found it shut. It has a spring bolt, which was shut.

Q. 314.—Describe, if you please, the fastenings on the windows.

A. 314.—As far as my recollection serves, I think there is a small bolt low down on one sash near the sill, and on the other is a small horizontal spring catch.

Q. 315.—Does the first described fasten one sash to the sill?

A. 315.—I believe it does.

Q. 316.—Does the spring bolt on the other sash fasten that to the first?

A. 316.—I believe it does, also.

Q. 317.—That spring bolt is how far from the sill?

A. 317.—From two to three feet. I never measured the distance.

Q. 318.—How far is the sill of the window from the floor?

A. 318.—I think about two feet. I omitted to state, with regard to the adjoining roof, that there is a parapet to it immediately adjoining the hotel building.

Q. 319.—When you examined this window, on ascertaining the theft, did you find one sash fastened to the sill by the bolt, and the other sash fastened to the first sash by the spring bolt?

A. 319.—I did.

Q. 320.—On leaving your room when you went to the coffee house, did you notice whether the sashes of your window were bolted?

A. 320.—I did.

Q. 321.—Were they bolted?

A. 321.—They were.

Q. 322.—Could a person enter your room through your window, under those circumstances, without breaking the glass or the bolts?

A. 322.—I am not able to state whether that identical one could be so opened; but some of the windows in that suite of rooms, and which I have occupied, have been oftentimes blown open, when so shut, by the force of the wind, which blows directly on that side of the building in which those windows are situated?

Q. 323.—Did you try the experiment on that window?

A. 323.—I did not.

Q. 324.—Would it not have been natural, under the circumstances, for you to have satisfied yourself whether the person who stole this document entered your room through the window or the door, or at least to have endeavored to ascertain how the entrance was effected?

A. 324.—Certainly it was natural, and I examined to find

out as far as I could; I found the door and window shut as I have already stated.

Q. 325.—By pulling at the sash which had the spring bolt attached to it, might you not easily have ascertained whether a person from the outside could have opened that sash by pushing?

A. 325.—All those sashes open very easily from the inside, by touching the spring bolt. I could not have ascertained whether that sash could be easily opened from the outside without going out on the parapet to try it.

Q. 326.—Could you not inside your room have taken hold on to some part of that sash without touching the spring bolt, and by pulling at it have ascertained whether that sash could have been opened by some one pushing from the outside, without breaking the bolt or its catch?

A. 326.—I could not, because it must be quite evident that the force exerted in the manner expressed in the question would be far less than that which could be exerted on the outside of the window. It is true that I might have ascertained by the exercise of some force inside of the room, whether that window could be opened by a small pressure on the outside.

Q. 327.—Does that spring bolt catch by slamming the sash?

A. 327.—It catches when the two sashes are joined or rather closed, and the spring catches easily.

Q. 328.—Your second reason for supposing that any search for the stolen document or for the person who stole it would be fruitless, was your knowledge that it was interesting only to certain parties—do you not consider on reflection that that circumstance would afford a clue for the detection of the person who stole the document rather than place an insurmountable obstacle in the way of finding him out?

A. 328.—I do not.

Q. 328½.—Would it not direct a person endeavoring to find out the robber to certain persons particularly?

A. 328½.—I think not.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 23d, 1858, at 11 A. M.

SAN FRANCISCO, July 23d, 1858.

CROSS-EXAMINATION OF JAMES ALEXANDER FORBES, THIS DAY CONTINUED.

Present: United States Attorney by E. Randolph, Esq.; A. C. Peachy, Esq. for Claimant.

Q. 329.—When did the negotiation between you and Alexander Forbes, which led to the letter of the 28th March, 1848, begin?

A. 329.—Sometime before his departure from Almaden.

Q. 330.—When did the departure, to which you refer, take place?

A. 330.—Some time in the month of March, 1848.

Q. 331.—About how long before he left Almaden did this negotiation begin?

A. 331.—I do not recollect.

Q. 332.—While he was at Almaden what offer did he make you for your shares, or for those of the Robles', whose agent you were, or for both?

A. 332.—I do not recollect that he made me any specific offer for those shares.

Q. 333.—What then in the nature of a negotiation passed between you at that time?

A. 333.—I do not know that there was anything in the nature of a negotiation, other than that I should authorize him to represent those shares in the company that he was desirous of forming for working the mine or for disposing of it. There was a manifestation on his part, though very indefinite, to purchase those shares.

Q. 334.—When did he first make you an offer for those shares, and what was that offer?

A. 334.—The first offer that he made was through Mr. Walkinshaw and Don Manuel Diaz. I received that offer after his departure from California; the price offered me, to the best of my recollection, was $3,000 per share, payable in Mexico.

Q. 336.—What then passed between Mr. Forbes and yourself about this matter while he was at Monterey in March, 1848?

A. 336.—A short time after his departure in that month from Almaden, by his own invitation I met him at Monterey, where some conversation passed between us on the subject of my selling those shares to him. We could not agree with regard to the terms, and nothing was done in the matter, other than my statement to him of the price that I would take, to which he agreed to reply before he left.

Q. 337.—What time in March, 1848 were you in Monterey, and how long did you remain there?

A. 337.—I do not recollect the day of my arrival there. I left there towards the latter part of that month.

Q. 338.—On what day did Alexander Forbes take his departure from Monterey for Mexico?

A. 338.—I do not know.

Q. 339.—About how long after the 28th March, 1848?

A. 339.—I do not know.

Q. 340.—In what vessel did he go?

A. 340.—I am not certain whether he went in the schooner "William," or the ship "Admittance." Well, I may say I don't know—I would rather state I don't know. I don't know whether the ship "Admittance" was there at that time.

Q. 341.—How long after you left Monterey was it before Mr. Forbes replied to your offer, as you have said in answer to Question 326, he promised to do?

A. 341.—I do not recollect.

Q. 342.—Did he ever reply to it?

A. 342.—The reply that he made to me in relation to that matter was contained in his letter to me, dated 28th March, 1848, and in accordance with that statement Mr. Walkinshaw and Don Manuel Diaz visited me, and I think the latter named person made me the offer I have above stated.

Q. 343.—Where were you when you received the letter of the 28th March, 1848?

A. 343.—I am not certain whether I was at the hacienda or the mine of Almaden, or at my residence in Santa Clara.

Q. 344.—Did you reply to that letter?

A. 344.—I did not reply to that; but I had written letters to Mr. Forbes at Monterey, previous to that date.

Q. 345.—When did you write them; before you went there or after you returned?

A. 345.—I think it was after I returned from there; I am not certain.

Q. 346.—Have you copies of those letters of yours?

A. 346.—I hardly think I have, and yet it is possible that I may have.

Q. 347.—Did you receive letters from Mr. Forbes in reply?

A. 347.—I am not certain whether I received any from Monterey, other than that dated 28th March.

Q. 348.—Have you not recently, in examining your correspondence with Alexander Forbes during the years 1846, 1847, 1848, 1849, 1850, had occasion to look at and read all the letters received by you from Alexander Forbes during those years, and especially such of those letters as related to this negotiation between you. If you had seen in that correspond-

ence any letters written by Alexander Forbes in March, 1848, would you not now remember the fact?

A. 348.—I have not stated that I have had a recent examination of any correspondence between Alexander Forbes and myself; I repeat that I don't recollect.

Q. 349.—Have you not recently examined your correspondence with Alexander Forbes, for any one or more of the years specified in the preceding question? and if you have examined your correspondence with him for the year 1848, is it not singular that you cannot now remember whether you have any letters from him written in the month of March, 1848?

A. 349.—I have not made any recent examination of any of that correspondence. With the exception of a few notes written to me by him from Almaden, and two or three letters from Monterey, I had had no correspondence with him up to, and a short time after, his departure from that place.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 24th, 1858, at 11, A. M.

SAN FRANCISCO, July, 24.

CROSS-EXAMINATION OF JAMES ALEXANDER FORBES, THIS DAY CONTINUED.

Present: P. Della Torre, the U. S. District Attorney, and E. Randolph, Esq. A. C. Peachy, Esq., for Claimant.

Q. 350.—How long since you examined your correspondence with Alexander Forbes, during the years 1847, '48, '49, or thereabouts?

A. 350.—Several months since, I do not recollect the exact time.

Q. 351.—If you had made an examination so lately, is it not singular that you cannot remember whether you have any letters from Alexander Forbes, written in the month of March, 1848?

A. 351.—I think I have already stated that my correspondence with him up to the month of March, 1848, comprised two or three letters from him to me in that month, and also some short notes in 1848, prior to the month of March.

Q. 352.—Please to refer to any answer in this deposition in which you have stated that you received two or three letters from Alexander Forbes, from Monterey, in the month of March, 1848?

A. 352.—I think I so stated in my last answer in yesterday's examination.

Q. 353.—In the answer to which you refer, (No. 349, cross-examination), you said, with the exception of a few notes written to me by him from Almaden and two or three letters from Monterey, I had had no correspondence with him up to and a short time after his departure from that place. Did you not intend to say, that with the exception of the letters which Mr. Forbes wrote you while he was at New Almaden, you received only two or three letters from him during his stay in California?

A. 353.—I intended to say what is expressed in my answer.

Q. 354.—Taking your answer literally, you say that up to and a short time after Mr. Forbes' departure from Monterey, you had had no correspondence with him, with the exception of the few notes he wrote you while at Almaden and the two or three from Monterey. Do you mean to say that that answer is literally true?

A. 354.—I have to protest against a repetition of the examination on the same subject, and a repetition of the same question. If I said upon the same subject, I allude to these last answers, and I now repeat my last answer.

Q. 355.—Your answer is not satisfactory, it does not respond to my question. I repeat the question.

A. 355.—I answer as I did before; I do not know how to answer any other way.

Q. 356.—Before Mr. Alexander Forbes came to California, had you had no correspondence with him?

A. 356.—I had had correspondence with him.

Q. 357.—When you said in Answer 349, cross-examination, that with the exception of a few notes written to you by Alexander Forbes from Almaden, and two or three letters from Monterey, you had had no correspondence with him up to and a short time after his departure from that place, did you mean to include your correspondence with him before he came to California?

A. 357.—I did not.

Q. 358.—Then I understand the correspondence to which you refer, in answer to Question 349, cross-examination, embraced only such as took place while Alexander Forbes was in California. Am I correct?

A. 358.—You are correct.

Q. 359.—Did you receive any letter from Alexander Forbes while he was in California, besides those which he wrote you from Almaden and from Monterey?

A. 359.—I believe not.

Q. 360.—I understand you to say that with the exception of the letters which Mr. Forbes wrote you while he was at New

Almaden, you received only two or three letters from him while he was in California. Am I correct?

A. 360.—I have stated in a previous answer, that with the exception of a few notes written to me by Alexander Forbes from the mine of New Almaden, and two or three letters addressed to me by him from Monterey, I believed that was all the correspondence that passed between us, prior to and a short time after his departure from California. I have only to add in answer to this question, that it is possible that Mr. Alexander Forbes may have written more than two or three letters to me from Monterey; but I repeat that I do not recollect the exact number of letters that he did so write to me from Monterey.

Q. 361.—Inasmuch as you have volunteered to furnish the Government of the United States with a copy of Alexander Forbes' letter, of 28th March, 1848, and took the trouble to summon Mr. Laurencel from San Francisco to Santa Clara to consult with him on the most proper mode of putting the U. S. District Attorney in possession of that copy; and further considering the transactions between Mr. Laurencel and yourself relating to your sale to him of the use of the letters and documents, as proved by your testimony and by his; and considering, further, the great doubts which might attach to the truth of your statements concerning the existence and loss of the original of that copy owing to your previous transactions with Mr. Laurencel, and the facility with which you might furnish Mr. Laurencel copies of original letters said to be lost or stolen, did it not occur to you, before presenting this copy to the District Attorney, to examine your corespondence with Alexander Forbes about the time of the date of this document, to see if you could not find some expression confirming the truth of what you have undertaken to relate concerning the existence of the original letter of 28th of March, 1848? and is it not strange that you should come upon the stand for the purpose which brought you here, in such a state of ignorance as not to be able to state how many letters you received from Alexander Forbes in the month of March, 1848, or to give any information as to the contents of such as you may have?

A. 361.—Without attempting to respond to the argumentative parts of this question, I have to state that I had my doubts as regards the admissibility in evidence of a copy of that letter, and in this view it was presented to the inspection of the U. S. District Attorney; and with regard to the proof of the existence of the original letter, I was prepared and am still prepared to present the proof. I do not consider it strange that I should not be able to gather from any other part of Alexander Forbes' correspondence with me any information upon the particular matter set forth in that letter, nor that I should

not recollect at this moment the number of letters received by me from Alexander Forbes in 1848, or their contents.

Q. 362.—In order to procure the opinion of the U. S. District Attorney upon the admissibility in evidence of the copy, was it necessary for you to seek the intervention of Mr. Laurencel, and to transmit by him that copy with a message to the U. S. District Attorney?

A. 362.—I suppose I might have transmitted it to the U. S. District Attorney by some other conveyance; but I chose to convey it to him by the hands of Mr. Laurencel, that it might reach him in safety.

Q. 363.—Did you at any time tell Robert Birnie that, owing to your ill feelings to Mr. Laurencel, engendered by his bad treatment of you, you would, if you were disposed to part with the original letter of the 28th March, 1848, sell it to the company claiming under Castillero's title at a price one-half of what you would let Laurencel have it for?

A. 363.—In the course of the visits of Mr. Birnie to me since January last, for the purpose of obtaining from me documents or copies of documents relative to the affairs of New Almaden, he stated to me that he was authorized by the agents to say that they would pay me liberally for any documents that I might have in my possession prejudicial to the same; he constantly urged upon me to dispose of such documents to the said agents, adducing in support of that policy, that their money was as good as that of any other party, and that they could afford to pay more for such documents than any other opposing party, alluding to the claimants in the Fossat case and in the Berreyesa case. I constantly refused to enter into any negotiations for the sale of such documents with Mr. Birnie's employers, and at the same time and on the same occasion, I stated that it was not my intention to enter into any negotiations for that object with any party; that with regard to Mr. Laurencel, I felt hurt at the manner in which the correspondence I had allowed him the use of had been made public. I do not recollect of having made to Mr. Birnie the statement expressed in the question.

Q. 364.—What object had you in refusing to sell to any interested party the original letter of the 28th March, 1848, or the use of the same?

A. 364.—I don't exactly understand the meaning of the term interested parties.

Q. 365.—I will name them for you. The parties who I understand claim an interest in the Almaden Mine, are—first, the claimant in this case; second, the United States; third, the Berreyesa family with their assigns, and, fourth, Mr. Laurencel and those whom he represents here. Now that you understand

who claim the mine, I will add, that when I used the term "interested parties," in the previous question, I referred to such claimants.

A. 365.—When I stated that I had constantly refused to Mr. Birnie to dispose of such document, that refusal related to the agents of the mine, and to any other party who had instructed Mr. Birnie to make overtures to me.

Q. 366.—I repeat Question 364, as explained by Question 365. Please answer it.

A. 366.—My object was simply because I did not choose to enter into any negotiation in that matter.

Q. 367.—What had induced you to depart from the line of policy laid out for yourself, when you sold Laurencel certain other documents, or the use of the same, as you prefer to state it, for the sum of twenty thousand dollars.

A. 367.—I did not depart from the line of policy which I adopted, in that matter.

Q. 368.—Did you not sell to Mr. Laurencel, certain documents to be used by him in an attempt to show that the claim in this case is fraudulent? Did he not pay you for the use of those documents the sum of twenty thousand dollars? Was it not your policy in making selections of your correspondence to be exhibited to Mr. Laurencel for that purpose, to select such portions only as might have a tendency to prove fraud? Was it not also your policy to obtain from Mr. Laurencel the largest sum of money which you could possibly induce him to pay for those documents; in other words, was it not your policy to induce Mr. Laurencel to believe that you could produce evidence which might tend to destroy this claim and make him pay you a large sum of money for such evidence? Having in your possession a letter of the 28th of March, 1848, a copy of which you furnished the U. S. District Attorney, to be used in evidence against this claim, did you not consider that letter as adverse to the title of the claimants? If you did consider it so, was not your conduct in gratuitously presenting it to be used by the Government against this claim, instead of selling it to Mr. Laurencel, a departure from your old line of policy?

A. 368.—This question is rather long; I beg to answer it by sections. I sold to Mr. Laurencel the use of certain documents to be used by him in an attempt to procure an amicable compromise with the attorneys of the parties claimants of the mine of Almaden under Castillero. That agreement was specific; the price paid to me by Mr. Laurencel for the use of those documents in the manner above expressed, was ten thousand dollars. The remainder of the payment alluded to in the question was dependent upon that compromise; and although the sum of that remainder was nominally ten thousand dollars, it

was not in reality, or was not so realized by me. I showed Mr. Laurencel the above named documents in order that he might, by his own inspection and that of his counsel, ascertain whether they might be conducive to that compromise, and he so deeming that correspondence, made his agreement with me. With regard to the letter of 28th March, 1848, I did consider it as adverse; but for the reasons already stated in this examination, it was not presented to Mr. Laurencel. With regard to my furnishing the U. S. Attorney with a copy of that letter, I have already stated the motives which actuated me in so presenting that copy. I don't feel called upon to answer to the last part of the question, as to what were the motives that actuated me in so presenting that copy to the U. S. District Attorney, instead of selling it to Mr. Laurencel; nor do I feel called upon to answer the question with regard to the line of policy referred to. I leave it to the counsel to form whatever opinion he may choose with regard to the policy that I have adopted.

JAS. ALEX. FORBES.

Examination adjourned till Monday, July 26th, 1858, at 11 A. M.

SAN FRANCISCO, July 26.

CROSS-EXAMINATION OF J. A. FORBES, THIS DAY CONTINUED.

Present: P. Della Torre, U. S. Attorney, and E. Randolph, Esq. A. C. Peachy, Esq., for Claimant.

Q. 369.—You have stated in your last answer that you have explained in a previous part of this deposition, the motives that induced you to present this copy to the U. S. District Attorney. Do you allude to the reasons for doing so set forth in your statement in answer to Question 16, direct examination?

A. 369.—I do.

Q. 370.—After you received the letter of 28th March, 1848, from Alexander Forbes, making known to you that the documents procured by Castillero in Mexico as his title to the mine and lands, were all obtained after the occupation of California by the Americans, what steps did you take to satisfy yourself whether the documents so obtained were ante-dated, and therefore invalid, or whether, bearing correct dates, they were considered invalid, because made after the Americans took possession of California?

A. 370.—I took no steps at all in the matter, inasmuch as I had no means of ascertaining.

Q. 371.—Why could you not have written to Alexander Forbes, requesting an explanation of those expressions in his letter, or to Castillero, informing him of what Alexander Forbes had told you, and requesting a true history of his title, or to some person in Mexico who might have learned the facts for you; was it not strange, that owning an interest in this valuable property, you took no trouble to ascertain the true condition of the title?

A. 371.—I might have written to Alexander Forbes, or to Mr. Castillero, soliciting that information, but I considered it useless to make the attempt, inasmuch as I believed the last act of possession was obtained for the purpose of remedying anterior defects in the title. I did not write to any other party in Mexico, because I had no correspondence there. With regard to the last part of the question, I have to state that I am here to answer upon facts within my own knowledge, and not as to whether my opinion coincides with that of the counsel or not.

Q. 372.—By the last act of possession, you mean that given by Weekes in 1848, do you not?

A. 372.—I do.

Q. 373.—Then I understand you to say, you were so well satisfied with your title under that act of possession, that you did not consider it worth while to inquire into the truth of what Mr. Forbes told you in his letter of 28th March, 1848, and therefore you made no further inquiries about the matter, even from Alexander Forbes himself; am I correct?

A. 373.—You are not correct. I did not state that I was well satisfied with that act of possession.

Q. 374.—In your Answer 371, cross-examination, you said, "I might have written to Alexander Forbes or to Castillero, soliciting that information, but I considered it useless to make the attempt, inasmuch as I believed the last act of possession was obtained for the purpose of remedying anterior defects in the title"; if you did not consider these anterior defects to have been remedied by the last act of possession, why should the fact that the last possession was given, have induced you to refrain from making a single inquiry concerning the truth of Alexander Forbes' declaration in his letter of 28th March, 1848?

A. 374.—I made no inquiry with regard to the matter set forth in that letter, for the reason already stated, namely: that I considered it next to impossible for me to obtain such information, and more especially as I had been already informed by Mr. Alexander Forbes, that in case everything else should fail, we should fall back upon that possession.

Q. 375.—Please to state in what part of this deposition you have said that you made no inquiry with regard to the matter

set forth in that letter, because you considered it next to impossible to obtain information on that subject?

A. 375.—I think I so stated in answer to Question 371, in which I said that I considered it useless to attempt to obtain any information, etc., thereby considering it to be impossible.

Q. 376.—In answer to Question 371 you said you considered it useless to make the attempt to obtain information, etc., *because* you believed the last act of possession was intended to remedy anterior defects in the title; how can you construe this answer to mean that you did not seek for the information referred to, because you believed the attempt to obtain it would be useless?

A. 376.—I don't exactly understand the question, but I will endeavor to explain: Previous to that last act of possession, from conversations that I had had with Mr. Alexander Forbes and Mr. Walkinshaw, I had become convinced that the title to that property was defective, that matter was discussed although not "*in extenso*," and it was determined by Mr. Alexander Forbes to obtain the second act of possession. The letter alluded to of 28th March, 1848, stated distinctly an important fact in that connection, which I considered would never be made the subject of a correspondence, neither on the part of Mr. Castillero nor Mr. Forbes, even had there been a less precarious mode of conveying such correspondence from Mexico to California. As far as I understand the question I have answered it fully.

Q. 377.—I repeat the last question; please answer it.

[At this point the witness was taken into court, the question repeated; the witness said he could not understand it.]

Examination adjourned until to-morrow, July 27, 1858, at 12, M.

SAN FRANCISCO, July 27, 1858.

CROSS-EXAMINATION OF J. A. FORBES THIS DAY CONTINUED.

Present: P. Della Torre, U. S. Attorney, and E. Randolph, Esq. A. C. Peachy, Esq. for Claimants.

Q. 378.—Why did you consider that the letter of 28th March, 1848, would never be made the subject of correspondence between yourself, Alexander Forbes and Castillero?

A. 378.—I think, in addition to the answer I made upon this point, that I stated that the matter contained in that letter would not be trusted to the precarious mode of conveyance then existing at that time between California and Mexico.

Q. 379.—I am to understand, then, that one of your reasons for not seeking from Alexander Forbes or Castillero a true history of Castillero's titles, was the precariousness of all means of correspondence with those persons; am I correct?

A. 379.—No, sir. When asked what was the reason that I did not write to Castillero or Alexander Forbes to make inquiries about that title, I stated that I considered it useless, as I believed that, at that time, Mr. Alexander Forbes would not have trusted to the precarious modes of conveyance for the transmission of such important intelligence to me.

Q. 380.—Then I am to understand that one of your reasons for not writing on the subject to Mr. Alexander Forbes was, your belief that he would not trust an answer to the precarious means of communication then existing between Mexico and California; am I correct?

A. 380.—I have so stated in my last answer.

Q. 381.—When did you first begin your correspondence with Alexander Forbes, advising him to procure the manufacture of titles to the mine of Almaden, and that they should be antedated? Were the means of correspondence at that time between California and Mexico less precarious than in the year 1848?

A. 381.—When my exertions to carry into effect the necessary measures for setting at rest all litigation with regard to that property were believed by me to be unavailable, I commenced that correspondence, the means of conveyance at that time between California and Mexico had become less precarious by reason of the establishment of the mail line of steamers, which touched at Mazatlan and San Blas. I have to add, in explanation, that my exertions, as stated above, were directed to the purchase of a part of the contiguous lands; for which purchase I subsequently entered into a negotiation in 1849 with the owners of part of the rancho of San Vicente, or Berreyesa claim.

Q. 381 [B].—When did your exertions to carry into effect the necessary measures for setting at rest all litigation with regard to the property, by purchasing a part of the Justo Larios Rancho begin, and when did they end?

A. 381 [B].—They commenced in the latter part of 1847 and beginning of 1848, when Mr. Alexander Forbes was in California, and terminated in the end of 1849. It is proper for me to state that when Mr. Isadore De la Torre took charge of the mine of Almaden, I also urged upon him strongly the propriety of making those purchases.

Q. 382.—Did you have any correspondence with Mr. Forbes upon the subject of purchasing a part of the Justo Larios Rancho?

A. 382.—I do not recollect that I had any correspondence with him upon that matter, other than my verbal communications with him while he was in California, as above stated.

Q. 383.—When did your exertions to carry into effect the necessary measures for setting at rest all litigation with regard to the Almaden property, by purchasing a part of the Berreyesa Rancho, begin and when did they end?

A. 383.—In my previous answer I referred to both tracts, the Justo Larios and Berreyesa ranchos.

Q. 384.—Then I understand that your efforts to purchase a part of the Berreyesa Rancho, began while Mr. Alexander Forbes was in California and ended in 1849. Am I correct? And please state what time in 1849 these exertions ended.

A. 384.—I have so stated, that my efforts did commence in 1847 and that they ceased in the latter part of 1849. The reason why I stated the intervention of Mr. De la Torre, was for the purpose of showing his intervention in the matter. This intervention took place in 1850, at which time in reality, my intervention did cease because they were frustrated by Mr. De la Torre.

Q. 385.—What was your reason for desiring to purchase parts of those ranchos?

A. 385.—My reason was because I believed the title to be defective and by the acquisition of the parts of those two ranchos, contiguous to the mine, all litigation would cease, inasmuch as the proprietors of those two tracts both laid claim to the mine and the place called the hacienda or where the reduction works are situated; and such was my belief and the good policy of making those purchases, that I offered Mr. Alexander Forbes, in the first instance, and subsequently, Mr. De la Torre, to appropriate twenty-five per cent. of my interest in the mine to such purchases.

Q. 386.—Was that offer in writing?

A. 386.—It was not necessary that it should be in writing, it was while they were in California.

Q. 387.—As answering things are sometimes done, you will oblige me by answering my question. Was that offer in writing?

A. 387.—I state again, that it was unnecessary, as they were in California. That that proposal was not made in writing but verbally.

Q. 388.—In what respect did you consider the title of the mine of Almaden so defective as to render the purchase of parts of the contiguous tracts so very desirable?

A. 388.—I consider the title defective in the first and second Acts of Possession, and subsequent to the departure of Mr. Alexander Forbes or about the time of his departure, my

opinion was confirmed by the purport of his letter of 28th March, 1848, dated Monterey.

Q. 389.—In what respect did that letter prove to your mind that Castillero's title was defective; did you infer from it that the defect consisted in Castillero's title papers being ante-dated or in the fact that being truly dated they were made long after the Americans took possession of California?

A. 389.—My inferences were drawn from the facts set forth in that letter. I inferred the fact then declared, namely, that all the papers that had been obtained by Castillero in Mexico, as his title to the mines and lands of New Almaden, were obtained after the acquisition of California by the United States.

Q. 390.—Then I understand you to say you did not consider Castillero's title invalid because ante-dated, but because being truly dated, they were made after the Americans had taken possession of California. Am I correct?

A. 390.—I did not state that I considered Castillero's title as invalid, but I did state that I considered it defective. I did not mention anything about dates of his title, and therefore so considering it defective, I endeavored to acquire, by purchase, the contiguous tracts of land, as I have already stated, because as it is quite obvious that such acquisition would remedy all defects and irregularities in the title.

Q. 391.—I have already asked you, and I now repeat the simple question. Did you consider Castillero's title invalid *because* it did not bear a true date and was ante-dated, or did you consider in invalid *because* although truly dated, it was made after the Americans took possession of California? I request an answer to this question. I refer to the title obtained by Castillero from the Supreme Government of Mexico and not to the Acts of Possession given in California.

A. 391.—From the information I received in the letter of 28th March, 1848, from Alexander Forbes to me, that all title obtained by Castillero in Mexico in the manner so stated in that letter would be invalid provided that California remained in possession of the United States, without any reference to dates.

Q. 392.—In your letter of 5th May, 1847, to Mr. Alexander Forbes you speak of the decree appended to the contract of habilitation and say, "it is indispensable that the title and ratification of possession," the manufacture of which you strongly urge in that letter upon Alexander Forbes, "should be of the same date of the decree of Señor Lanzas;" if you selected the date of Lanzas' Decree as that which should be borne by these manufactured titles, must you not have known what that date was; must you not have known that that date was prior to the occupation of California by the Americans, else

why did you select it. How then can you say that when you received Mr. Forbes' letter of 28th March, 1848, informing you that Castillero's title had been obtained long after the possession of California by the Americans, you made no inference therefrom as to whether or not his title papers were antedated?

A. 392.—The information that I received, both oral and written, at the date of this letter, 5th May, 1847, was derived from Mr. Walkinshaw. It is true that I have stated the necessity that the Act of Possession of the mine should coincide with the document stated herein to be a decree of Señor Lanzas, a copy of which Mr. Walkinshaw exhibited to me. In the document shown to me by him at that time, I of course observed the date appended to that decree. I am free to say that although I had my doubts with regard to the legality of the proceedings in the Act of Possession, I was entirely ignorant of the facts set forth in Mr. Alexander Forbes' letter to me of 28th March, 1848, and in order to answer pertinently to the question now propounded, I did infer that the title papers obtained by Castillero, as so stated in that letter, must have been antedated.

Q. 393.—In your answer to Question 381, you have said, "when my exertions to carry into effect the necessary measures for setting at rest all litigation with regard to that property were believed by me to be unavailable, I commenced that correspondence," meaning your correspondence with Alexander Forbes, advising him to procure the manufactured titles to the mine of New Almaden, and that they should be antedated. In your answer to Question 384, you have said that your efforts to purchase a part of the Berreyesa Rancho ceased in the latter part of the year 1849 and perhaps later. How do you reconcile those answers with your letter of 5th May, 1847, addressed to Alexander Forbes, written before you ever attempted to purchase any part of the Berreyesa Rancho according to your own statement of the time at which that attempt began, in which letter you say: "And I now lay before you my views that you may see the necessity of immediate action. It is of the most vital importance to obtain from the Supreme Government of Mexico a positive, formal, and unconditional grant of the two sitios of land conceded to Don Andres Castillero according to the decree appended to the contract, and also an unqualified ratification of the juridical possession which was given of the mine by the local authority of this jurisdiction, including, if possible, the three thousand varas of land given in that possession as a gratification to the discoverer. These documents should be made out in the name of Don Andres Castillero and Socios. I think that it will not

be difficult to obtain these documents on making known to the Supreme Government that this Departmental Government is completely *acefalo*, in consequence of which the possession of the two sitios ordered to be given by the dispatch of Señor Castillo Lanzas has not been obtained, nor cannot be obtained nor even mentioned without imminent risk of opposition on the part of the American Government in this Department. It is indispensable that the title and ratification of possession should be of the date of the decree of Señor Lanzas."

A. 393.—I do not see any contradiction in the answers herein alluded to and quoted from, with regard to the matter recommended to Mr. Alexander Forbes by me in my letter of 5th May, 1847. I have to state that the copy of the document exhibited to me at that time by Mr. Walkinshaw, purported to be an order from Castillo Lanzas to the Departmental Government of California, to put Castillero in possession of two sitios of land without any ratification of the possession of the mine given by the local authorities, and hence my suggestion to Mr. Alexander Forbes for the procurement of such ratification. I think I have answered the question.

Q. 394.—Have you nothing further to say in answer to the foregoing question? I do not see how the discrepancies referred to in my question are reconciled by your answer.

A. 394.—I have to state in further explanation, that I cannot perceive any contradiction in the answers alluded to. I think the gentleman has misapprehended the purport of my answers, for I stated two different facts; the one was that my correspondence with Alexander Forbes with regard to the title of the mine commenced in 1847, and that my efforts to effect the purchase of the lands contiguous to the mining lands commenced also in 1847, and I cannot see any contradiction in my answers.

Q. 395.—In your answers 381 and 384, you said that your correspondence with Mr. Forbes relative to the manufacture of antedated titles first began when your exertions to purchase parts of the Berreyesa and Justo Larios ranchos had proved to be unavailable, and that those exertions ceased in the latter part of 1849, or really in 1850. You are then shown a letter from yourself to Alexander Forbes, dated 5th May, 1847, in which you advised the manufacture of antedated titles to the mine. Do you not perceive that your answers 381 and 384 are at least apparently contradicted by your letter of 5th May, 1847; and with the matter put to you as it is in this question, do you persist in saying you can perceive no contradiction between these answers and that letter?

A. 395.—I do perceive that there is an apparent contradiction as expressed in the question, and I have to state in expla-

nation, that in my previous answer with regard to the correspondence that passed in the matter alluded to, my attention was drawn principally to the time in which the major part of that correspondence was carried on, namely, 1849 and 1850.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 28, at 11 A. M.

SAN FRANCISCO, July 28, 1858.

CROSS-EXAMINATION OF JAMES ALEXANDER FORBES, THIS DAY CONTINUED.

Present: P. Della Torre, U. S. District Attorney, and E. Randolph, Esq. A.C. Peachy, Esq., for Claimant.

Q. 396.—Look at the letter now shown you, and state whose handwriting it is; whether it was written at the time it purports, and was sent to its address?

A. 396.—It is my handwriting. It was written at the time it purports, and was sent to its address.

[Attorney for claimant now offers this letter in evidence; the Commissioner attaches it to this deposition, and marks it O. H. X, No. 14, C. McA.]

Q. 397.—In your written statement made in answer to the last question on your direct examination, after references to the receipt of the letter of 28th March, 1848, from Alexander Forbes, you say "I was compelled to sustain our possession against Walkinshaw," etc., "And although I succeeded in sustaining that possession, etc., I earnestly recommended (as I had previously urged upon Alexander Forbes), the immediate purchase of a part of the lands of Berreyesa and those of Justo Larios." How do you reconcile that statement with your letter of 20th Dec. 1849, addressed to Barron, Forbes & Co., marked O. H. X., No. 13, especially with the paragraph beginning "the grant after making allusion," etc., and in the paragraph in which you say "I have desisted from the purchase of the Berreyesa land in order to obtain a sure and effective final defense of the property, but, meantime, I have much trouble in entertaining the Berreyesas in order to frustrate the plots and machinations of Walkinshaw and his associates;" and also with your letter of 30th October, 1849, marked O. H. No. 4, in which you say, "I shall endeavor to procrastinate as far as possible the purchase, (meaning of the Berreyesa land), and,

moreover, to frustrate all the plans of "Walkinshaw and his associates for accomplishing their purchase," and also with your letter to Barron, Forbes & Co. of 18th Nov., 1849, marked O. H. X. No. 14, C. McA., in which you say, that you have ascertained that neither the mine nor hacienda is upon the Berreyesas' or Justo Larios' ranchos?

A. 397.—It is true as I have heretofore stated upon different occasions in this examination, that I recommended the purchase of parts of the tracts of the Berreyesa and Justo Larios ranchos. During the difficulties that occurred in 1849, with regard to the mine of Almaden, originated by Mr. Walkinshaw and his abettors, I found myself in a disagreeable position growing out of these proceedings. The only remedy that I saw to counteract an unfavorable result against the mine at that time, was the purchase I above referred to; but not being able to effect that purchase, my attention was directed to the extent of land comprised in the respective titles to the adjacent ranchos, in order to ascertain the quantity comprised within their boundaries. I took legal advice upon the subject, and was informed that the claimants of those tracts would be obliged to measure their land from the lines of their neighbors, or *colindantes*, which, with regard to the two tracts in question, would result in the exclusion of the mine and hacienda from those measurements. I, moreover, sought information with regard to the measurement of the tract of the Capitancillos or Justo Larios; the result of such information was, that the survey of the same was not a surface chain survey. It was upon these grounds that I communicated these facts, as alluded to in the letters quoted from. I have stated in those letters the necessity of obtaining the documents expressed in relation to the title, not because I was convinced that the above named purchase would not be serviceable, but because I considered that those documents would also serve to fortify the title. A short time before the arrival of Mr. De la Torre in California, I had my doubts of the possibility of forcing the claimants of the adjoining tracts of land to take their respective quantities from particular parts of those tracts, and I recommenced negotiations for the purchase of a part of the tract of the Berreyesa land, and I made an agreement with some of the members of the family of the Berreyesas for that title, in the sum of $30,000; $5,000 and odd I paid to them in partial payment on account of that purchase, which, in consequence of family dissensions and the absence of some of the parties interested, I did not succeed in having formally executed. In this state of affairs Mr. Isadore De la Torre arrived and assumed the charge of the mine, he being largely interested in the same by purchase, and being authorized by the other owners to so take charge. He continued

the negotiation which I had commenced for the above mentioned purchase; he reduced the amount I had offered to $26,000, at which the Berryesas became vexed and refused to execute the contract made with me, or that which some of them had agreed to Mr. De la Torre; and, as I have stated in my written statement, I did at the time urge upon Mr. De la Torre the purchase for which I had commenced negotiations, and I offered to appropriate twenty-five per cent. of my interest in the mine for that purpose, calling his attention also to the facility with which such purchase could be paid, meaning the abundant supply of quicksilver that would be obtained by the apparatus which was then in the process of erection. Mr. De la Torre refused, and stated to me that the reason of his refusal was that he did not care for any result of litigation with regard to the mine, that his fortune was not dependent upon the mine, that he had enough elsewhere, that in consequence of the dangers and difficulties attending the negotiation he was determined to sell out the first opportunity he could meet.

Q. 398.—Not a word in your answer is responsive to my question. I asked you how you could reconcile the repeated declarations, in this deposition, of your ardent desire to purchase parts of the Berreyesa and Larios ranchos, with the positive declarations in several of your letters to the effect, that you did not really wish to purchase a part of either, but that by pretending to negotiate for a purchase you were entertaining the Berreyesas, and preventing their selling to another party until the documents should arrive from Mexico, which were to prove "a sure and effective final defense of the property?" Please answer.

A. 398.—In my previous answer I have endeavored to make the explanations called for in its question.

Q. 399.—In your written statement you say, "in view of the probable ultimate result of such an imprudent policy," (meaning the not buying parts of the Berreyesa and Justo Larios ranchos), "I endeavored to sell out my interest on the best terms I could," in what did the imprudence of that policy consist?

A. 399.—It consisted in the litigation which immediately ensued and has continued up to the present time; I should say it was the result of it—of that policy, I mean to say, in not purchasing.

Q. 400.—In your written statement you say, that in consequence of the information furnished by Alexander Forbes' letter of 28th March, 1848, from which you have said you inferred that Castillero's title papers were antedated, you became very desirous of purchasing parts of the Berreyesa and Larios ranchos; did the imprudence of which you complain consist in

the claimants of the mine refusing to purchase parts of those ranchos, while they held nothing better than antedated titles to their property. Is that the imprudent policy of which you complain in your statement?

A. 400.—The imprudent policy, to which I allude in my statement, was that pursued by Mr. Isadore De la Torre in refusing, for the sake of saving $4,000, in the purchase which I had commenced negotiating for, as I already stated, and which refusal was contrary to the wishes of other parties interested, who were anxious to effect that purchase, and who had advised me that that property must be secured at all hazards, as will be seen by referring to one of the letters on file in this case. By that property I mean to say the mine and hacienda.

Q. 401.—Did you consider it prudent for the claimants of the mine under Castillero, to purchase parts of the Berreyesa and Larios ranchos, because you believed Castillero's title papers were antedated?

A. 401.—I did believe, and I do believe still, that in view of the whole proceedings with regard to the title of New Almaden, the purchase of those tracts of land would have forever set at rest all litigation against the property, and that the claimants thereto would have sustained their right effectually to the same.

Q. 402.—Not a word in that answer is responsive to my question. Will you please to answer it, or expressly to refuse to do so?

A. 402.—In consequence of my knowledge of all the proceedings with regard to the title, from its inception to the date of the receipt of letter of 28th March, 1848, I did consider it prudent for the Almaden Company to purchase parts of the tracts referred to.

Q. 403.—That answer is not responsive. You will save time when you desire to avoid answering a question, by expressing your refusal to do so. It is useless to endeavor to avoid an answer by means of irrelevant verbosity. I again request you to answer that question, or to refuse to answer it; you are at liberty to do either.

A. 403.—It is not my wish to prolong this examination either by verbosity or irrelevancies. I am obliged to the counsel for the permission he accords to me to answer or not as I may think proper; of that I am myself to be the judge. I shall answer the Question No. 401; that I did consider it prudent for the claimants of the mine under Castillero to purchase parts of the Berreyesa and Larios ranchos; not only because I believed that Castillero's title papers were antedated, but also for the reasons that I have stated in my Answer No. 400.

Q. 404.—Why, then, did you consider that it would be use-

less to make those purchases after you should have succeeded in obtaining from Mexico, in the year 1849 or 1850, and antedated, so as to bear the same date with the decree of Castillo Lanzas which you had seen and commented upon as early as 5th May, 1847; would not documents made in 1849 or in 1850, on the ground of their being antedated, be equally invalid with documents made before 5th May, 1847, on the same ground?

A. 404.—I do not recollect that I have anywhere stated that the purchase of parts of the tracts of the Berreyesas and Larios' would be useless. I have stated that the acquisition of the documents alluded to would have fortified the claim to the mine, and I coincide with the counsel in his opinion as regards the invalidity of documents obtained in the manner expressed. With regard to the document or decree of Castillo Lanzas, I have already stated that it was a simple copy, and had no ratification of the acts of the local authorities in California, in the possession given of the mine to Castillero.

Q. 405.—The counsel for the claimant has expressed no opinion in the preceding question; he simply asked your opinion, for the purpose of enabling you to see what you have frequently said about this purchase from the Berreyesas, and that you may be enabled to reconcile, if you can, apparently contradictory statements. I call your attention to the last paragraph of your letter marked "O. H. X. No. 13," where you say: "I have desisted from the purchase of the Berreyesa land, in order to obtain a sure and effective final defense of the property, but meantime I have much trouble in entertaining the Berreyesas, in order to frustrate the plots and machinations of Walkinshaw and his associates"; and also to your letter of 30th October, 1849, "O. H. No. 4," where you say: "I shall endeavor to procrastinate as far as possible the purchase, (meaning of the Berreyesas' land,) and, moreover, to frustrate all the plans of Walkinshaw and his associates for accomplishing their purchase, and I do entreat you to use every effort to send me the document of ratification of the possession of the mine and the grant of land thereon, on the very earliest opportunity, properly authenticated and certified, as explained by me when I was in Tepic"; and also to your letter of 18th November, 1849, "O. H. X. No. 14, C. McA.," in which you say: "all these difficulties will be set at rest in a definitive and final manner by sending me the documents I asked of you in my precited letters, to which I pray your strict attention. You will also be informed, that for the reason first set forth I have *not* purchased the land of the Berreyesas, as I so intended on 28th October, and as per my advice to you of that date"; do you not now perceive that you have stated that the purchase of parts of the tracts of the Berreyesas and Larios' would be useless, when you received from Mexico the documents to be manufactured in 1849 or in

1850, and which were to constitute in your opinion a sure and effective final defense of the property?

A. 405.—I admit the truth of these quotations from the letters, which, nevertheless, nowhere state that I considered such purchases useless. I stated in a previous answer the reason why I desisted temporarily in my attempts to effect said purchase; and, believing that I should not be able to effect it, I am free to say that the acquisition of the documents alluded to would have been very effective towards sustaining the claims to New Almaden. My principal reason for believing this was, that the ratification of the first act of possession by the Federal Government, would enable the claimants to hold under the mining *Ordenanzas*.

Q. 406.—Then you considered Castillero's title, as set forth in Castillo Lanzas' decree appended to the contract of *habilitacion*, good enough, as far as it went, but you conceived something more was necessary, and that was a ratification by the Supreme Government of the act of possession given by the local authorities of California in 1845. Am I correct?

A. 406.—Not exactly. I did not consider the decree of Castillo Lanzas to be good, because it was nothing more than a simple order to put Castillero in possession of a tract of land, without specifying boundaries. I did consider that the ratification of the possession in accordance to the mining ordenanzas by the Federal Government would enable the claimants to hold the mine and hacienda.

Q. 407.—Then, if on the 5th May, 1847, you had known that Castillero had proposed to the Supreme Government of Mexico a contract, one of the articles of which was, that the Supreme Executive should ratify and confirm to him the possession of three thousand varas in every direction from the mouth of the mine, which had been given him by the local authorities in California, and that the Supreme Government had approved the contract proposed by Castillero in all its parts, the only fault which you could have found with Castillero's title would have been, that it did not describe with sufficient accuracy the boundaries of the two square leagues of land into the possession of which it directed the Governor of California to put Castillero. Am I correct?

A. 407.—If I had known that Castillero had succeeded in obtaining the documents described in the question, I would have believed his title to have been good, with the exception expressed in the question, namely, the want of description of boundaries, which would have subjected the claimants to a litigation with the claimants of the adjoining lands.

JAS. ALEX. FORBES.

Examination adjourned until to-morrow, July 29th, 1858.

SAN FRANCISCO, July 29, 1858.

CROSS-EXAMINATION OF JAMES ALEXANDER FORBES, THIS DAY CONTINUED.

Present: the U. S. District Attorney, and E. Randolph, Esq. A. C. Peachy, Esq., for Claimant.

Q. 408.—It appears from your letter of 5th May, 1847, that you were dissatisfied with Castillero's title, consisting of the decree of Señor Lanzas appended to the ratification of the contract of Avio by Castillero, a copy of which had been exhibited to you by Mr. Walkinshaw, and that your dissatisfaction arose from what you conceived to be two defects in that title; first, the absence of specifically named boundaries; secondly, the want of confirmation by the Supreme Government of the mining possession which had been given to Castillero by the local authorities of California; and that in consequence of those defects you gave the advice contained in your letter of 5th May, 1847; and it further appears, that at the time that letter was written, you had no reason to believe that the title papers of Castillero were not perfectly genuine. It follows, therefore, does it not, that the first idea of the necessity of having other title papers made originated with you, that the first recommendation of such a course proceeded from you, and that this was done simply because you did not have confidence in the legal effect and operation of a genuine title paper?

A. 408.—In answer to this question, as far as the words "*perfectly genuine*," I answer, Yes. With regard to the rest of the question commencing at the words "*It follows therefore*," I state that, in order to remedy the defects alluded to in the title, the course pointed out by me suggested itself as the most proper mode of remedying those defects; I am unable to state whether that suggestion was the first that had been made to the parties in interest for the object expressed by any other party than myself, that it was not particularly based upon my knowledge of the legal effect of the genuine title, but for the reason already stated, viz: want of boundaries and ratification of the possession.

Q. 409.—In your written statement in answer to the last question on your direct examination you say, that you refused to answer certain questions put to you by the Counsel for the Claimants, because of your unwillingness to compromise yourself without the means of vindicating yourself; are the questions referred to those to which you refused an answer, on the ground that it might tend to criminate you?

A. 409.—They are.

Q. 410.—In that statement you refer to the letter of 28th March, 1848, as the means of vindicating yourself; now that you have a copy of that letter, and are possessed of the means of vindication, are you willing to answer those questions?

A. 410.—I desire the Counsel to refer me to the questions to which he alludes.

Q. 411.—I refer to Question 249th, cross-examination, in your deposition begun on 14th December, 1857, which question reads as follows:—"Do you know anything connected with that paper (meaning the Castillo Lanzas decree of 23d May, 1846, directing the Governor of California to put Castillero in possession of two square leagues), having any tendency to prove that it was made on a day different from that on which it bears date, or that it is not for any other reason genuine, or that there has been any fraud whatever in procuring it?" And to Question 331 in the same deposition, which reads as follows:—"When you put in this answer, (meaning the answer in a suit in Chancery in the Circuit Court of the United States for this District, wherein James Tobin and others were plaintiffs, and Robert Walkinshaw and others, defendants), did you have any reason to believe that the document claimed to be a title in colonization mentioned in 31st section of said answer, was not made at the time it purports to have been made, or was not genuine, or was in any manner affected by fraud?" And to Question 333 in said deposition, which reads as follows:—"Had you any reason to believe, at the time you put in this answer, that the facts stated in 30th section thereof were not true?" to all of which questions you refused, on said examination, to answer, upon the ground that an answer might tend to criminate you.

Examination adjourned until to-morrow, July 30th, 1858, at 11 o'clock, A. M.

STIPULATION.

UNITED STATES, *v.* ANDRES CASTILLERO. } No. 420.

In the District Court for the Northern District of California, sitting in land cases.

It is stipulated and agreed, that the deposition of Mr. James Alexander Forbes may be continued before Blair Lowrie,

Esq., appointed Special Commissioner to take testimony in this case. By order of the Court of this date.

July 30, 1858.

P. DELLA TORRE,
U. S. Attorney.

PEACHY & BILLINGS,
Attorneys for Claimant.

ORDER.

APPOINTING BLAIR LOWRIE SPECIAL COMMISSIONER.

At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the Court Room in the city of San Francisco, on Friday the 30th day of July, in the year of our Lord one thousand eight hundred and fifty-eight.

Present: The Hon. M. Hall McAllister, Presiding Judge.

THE UNITED STATES
v.
ANDRES CASTILLERO. } No. 420.

In this case, on application of P. Della Torre, Esq., U. S. Attorney, and by consent of A. C. Peachy, Esq., of counsel for the claimant, it is ordered that Blair Lowrie be, and hereby is, appointed Special U. S. Commissioner to take testimony herein.

M. HALL McALLISTER,
Judge U. S. Circuit Court
Districts of California.

Filed July 30, 1858.
W. H. CHEVERS, Clerk.

SAN FRANCISCO, July 30.

CROSS-EXAMINATION OF JAMES A. FORBES, U. S. WITNESS, THIS DAY CONTINUED.

Before me, Blair Lowrie, Special Commissioner, with the consent of counsel, appended to this deposition.

Present: A. C. Peachy, Esq., for Claimants; U. S. District Attorney and E. Randolph, Esq., for United States.

[Counsel for claimant withdraws the foregoing question.]

Q. 412.—Did you believe the statement contained in Alex. Forbes' alleged letter of 28th March, 1848, concerning Castillero's title to be true when you refused to answer those questions?

A. 412—What questions?

Q. 413.—I refer to the questions enumerated in Question 411 of this deposition.

A. 413.—I did.

Q. 414.—When you refused to answer those questions, I take for granted your refusal was upon the ground that a true answer and not a false one would tend to criminate you. Am I not correct?

A. 414.—My refusal to answer those questions was because I believed that I might be subjected to a prosecution if I at that time had declared my knowledge of the facts set forth in that answer to have been contrary to what is therein stated.

Q. 415.—Admitting you did receive such a letter from Alex. Forbes, and that at the time you refused to answer those questions you believed its statements concerning Castillero's title to be true, have you not by the voluntary production of a copy of that letter, in effect, given an answer to all those questions?

A. 415.—Probably I may have, in effect, given an answer to those questions, and I do answer those questions now, affirmatively. I admit that in a legal point of view I was wrong in making those answers in the manner which I did. I have to state in explanation and extenuation, that that answer was very voluminous. Mr. Wm. E. Barron, Mr. Robert Walkinshaw and myself, were the defendants. Owing to my connection with the parties in interest in the mine of New Almaden, I adhered to their cause, and from the commencement of all the difficulties, I defended efficaciously, that property. I was unwilling to abandon the cause of those parties even after I was not interested therein. I considered myself, to a certain extent, committed, and in this view I signed the answer prepared by the counsel, which was also signed by Mr. Walkinshaw but not by Mr. Barron, who found it convenient to be absent at that time, and who has not yet signed it.

Q. 416.—Do you know when Mr. Barron left the State on that absence?

A. 416.—I do not; I do not recollect the precise time.

Q. 417.—Why do you say, then, that Mr. Barron left the State in order to avoid answering in that suit?

A. 417.—I do not say so. I said that he did not sign it, but found it convenient to be absent, and never has signed it.

Q. 418.—When you say that Mr. Barron absented himself to avoid making an answer in that suit, do you not know that you are stating what is untrue—do you not know that Mr.

Barron left the State to visit his family, whom he had not seen in many years, and that at the time he left he had no reason to apprehend such suit?

A. 418.—I do not.

Q. 419.—How can you regard this letter of the 28th March, 1848, in the light of a vindication, when, in truth, it affords additional proof of the very fact, which, if confessed by you, would, according to your own acknowledgments, have tended to criminate you?

A. 419.—I do not know that I have anywhere stated that that letter would be a vindication.

Q. 420.—You said in your answer to Question 328, in your deposition in this case, begun on the 14th December, 1857, that all the matters set forth in your answer in the suit of Tobin et als. against Walkinshaw and others, above referrrd to, were considered by you as stated on your information and belief, except where you averred your own knowledge of facts. Granting you the full benefit of your own views of that matter, how do you reconcile your statement, in sections thirty and thirty-one of that answer with what you now swear to have been your information and belief, when that answer was put in under oath? In answering this question, please bear in mind that in those sections of the answer in Chancery, you set up in defense Castillero's title in colonization to the two square leagues, and swear it was made on the 23d May, 1846, and do not forget that you have said you inferred from Alex. Forbes' alleged letter of 28th March, 1848, that Castillero's said title was antedated. I specify these particulars to draw your attention to the apparent contradictions, which I give you an opportunity to explain.

A. 420.—In answer to this question, I say that I repeat the answer quoted from Question No. 328. All the matter set forth in that answer in Chancery was prepared by the counsel for the claimants of the mine of Almaden; and as to any further explanation, I refer to my Answer 415 of the present examination.

Q. 421.—In Question No. 253 of the aforesaid deposition, you were asked if you knew of any act committed by any person other than yourself connected with the original grant, having a tendency to prove its fraudulent character, to which you replied, "I do not; I am not responsible for the acts of other people;" and after this question had been explained to you by his Honor Judge Hoffman, you again replied in the negative. How do you reconcile this answer with that in this deposition, in which you declare that while giving your former deposition you remembered this letter of the 28th March, 1848, and its contents?

A. 421.—By simply stating that I do not know the person or persons who committed the acts alluded to in that question.

Q. 422.—In that question you were not asked if you knew what person or persons committed any act. You were asked if you knew of any act, committed by any person whatever, having a tendency to prove the fraudulent character of this grant, and the nature of the question was fully explained to you by the Court. With this explanation, please answer the foregoing question.

A. 422.—I do not recollect of having received explanations from the Court upon this point, and I answered in the understanding that I had no personal knowledge of any act alluded to in the question.

Q. 423.—When you stuck upon the word *know*, in Question 253, do you think that your answer comported with your obligation to tell the whole truth?

A. 423.—I considered that I answered correctly by stating what I did state, meaning that I had no personal knowledge of such acts. I was unwilling to make any statement which would prejudice the cause of the claimants to the mines.

Q. 424.—You have said that in the year 1850, you sold one-half of your interest in this mine to Jno. Parrott for the sum of $24,000. Do you think that this letter of the 28th March, 1848, from which you inferred that the title you sold to Mr. Parrott was antedated and fraudulent, establishes the honesty of such a transaction, and vindicates your conduct in that particular?

A. 424.—When I sold that interest to Mr. John Parrott, I agreed to warrant and defend him against everybody but the United States. Mr. Parrott has been most amply remunerated and is still being remunerated for the money invested in that purchase from me, so that in place of losing anything by that purchase, it has been and is still a source of profit to him.

Q. 425.—You have not answered my question, but let it pass, and instead of answering it, please to explain how the circumstances mentioned in your last answer can be regarded as a justification of your conduct in receiving from Mr. Parrott the sum of $24,000, for a title which you knew to be antedated and fraudulent?

A. 425.—In view of the agreement entered into between Mr. Parrott and myself, he chose to accede to the stipulations with regard to that purchase in which I agreed to warrant and defend him in that property against all parties except the United States; and in view of the large profits that Mr. Parrott has derived from that interest, I conceive that he has no reason to complain, nor that that transaction can be considered as unfair.

Q. 426.—Then in your opinion if you sell a person a piece of land when you know that the title is simulated, fraudulent, and absolutely void, you consider the transaction a perfectly fair one, provided you warrant the title. Must I not infer this from your answer?

A. 426.—I consider that if the purchaser having an opportunity to investigate the title to the property so sold to him, chooses to receive a deed of conveyance with warranty, that such transaction would be a fair one.

Q. 427.—You seem to think that your conduct in selling Mr. Parrott this share, turned out after all to be eminently just and honest, because Mr. Parrott has derived a large revenue from it, and because you warranted the title. Suppose you should succeed in your present endeavor to break down the title under which Mr. Parrott claims his interest in the mine, and that Mr. Parrott should be ejected therefrom, and that he should have to pay back all his profits in the shape of damages, and that you being a bankrupt should be unable to pay him his losses; under these circumstances, your sale to Mr. Parrott would become a very vicious and fraudulent transaction, would it not? And do you not perceive that in endeavoring to bring about such a state of things, you are utterly destroying the only foundation upon which the honesty of your sale to Mr. Parrott rests?

[Question objected to by counsel for the United States, because it does not correctly state the grounds upon which the witness justified his sale to Mr. Parrott, omitting altogether the most important fact heretofore alleged by the witness, viz: that the witness had reason to believe and still believes, that Mr. Parrott was at the time of the purchase, as fully cognizant that the title was antedated, fraudulent and forged, as the witness was himself. Also objected to, because the question, like the majority of the questions, on this cross-examination, is in effect an argument which ought to be addressed to the Court, and a moral lecture to the witness not proper to be incorporated in a deposition.]

A. 427.—The counsel mistakes my answer. I have not stated I thought my conduct eminently just and honest, when I have simply stated the nature of the transaction between Mr. Parrott and myself. I must repeat that I decline to answer upon opinions and theoretical speculations. I am here to answer facts within my knowledge, and not to make answers which shall tend to be used in argument for or against me.

Q. 428.—Do you agree with the U. S. Attorney that I have mis-stated your theory of morals?

A. 428.—I have no opinion to express upon that subject.

Q. 429.—I state to you, for your information, that you have no right to refuse to answer a question which is intended to ascertain your opinions and theoretical speculations on moral questions, as your views on such subjects may tend to show under what obligation you consider yourself to tell the truth; but I will not urge a further answer to the preceding question; please answer the following:

The attorney for the United States, in his objection to Question 427, says, "that in said question I have omitted altogether the most important facts heretofore alleged by you, to wit, that you had reason to believe, and you still believe, that Mr. Parrott was at the time of the purchase as fully cognizant that the title was antedated, fraudulent and forged, as you were. State whether in this deposition, or any other taken in this case, you ever made such an allegation, or anything like it; and, if yea, point me to the place where such allegation is made.

A. 429.—For a long time previous to the purchase of the share made by Mr. Parrott, now alluded to in the question, Mr. Parrott had resided in Mazatlan, Mexico, doing business there as a merchant, having friendly relations with Mr. Alexander Forbes, and Barron, Forbes & Co., doing business at the city of Tepic and at San Blas; and before the date of said sale of one share to him, I believe that he had informed himself of the nature of Castillero's title to the mine of Almaden. Subsequent to that purchase, Mr. Parrott has taken a very active part in the proceedings for the confirmation of that claim, not only in his own behalf, but in behalf of the other parties interested in that claim. I do not recollect at this moment whether I have made the statement expressed in the question in any deposition heretofore taken, or not.

Q. 430.—Do you not know that you have never made any such allegation in any deposition heretofore taken in this case?

A. 430.—I cannot state positively whether I do or do not at this moment, in the long depositions that I have given. The facts set forth in my statement in this examination, respecting the information that Mr. Wm. E. Barron had respecting the nature of the purchase of the one share he made of me, wherein I stated I believed he was fully informed in that matter, I intended that that observation should apply equally to Mr. Parrott.

Q. 431.—I must again beg you to desist from irrelevant matter. When I ask you a question please respond to it. When you wish to make an explanation, ask the Commissioner for liberty to do so. I understand now that you wish to amend your elaborate and carefully prepared statement, for the purpose of introducing a very important fact which you would scarcely have omitted when the statement was prepared, if you believed the fact to be true; and this is done to meet the theory

of your justification, which is suggested by the U. S. District Attorney. I repeat my question: Where in your depositions heretofore taken in this case, do you find such an allegation?

[The counsel for the United States disclaims the idea of suggesting a theory to the witness, and maintains that the full cognizance of Mr. Parrott, as well as of Mr. Wm. E. Barron, of the nature of this title, is clearly charged by the witness in his statement referred to; and again of Mr. Parrott, in his answer to Question 426, on cross-examination.]

[The counsel for the claimant requests the counsel for the United States to postpone his objection to questions until the witness has answered the questions; or, at least, so to frame his objections that it may not refer the witness to the means of answering.]

A. 431.—I do not wish to amend my statement. I merely state the simple fact set forth in that statement with respect to Mr. Wm. E. Barron's knowledge of the nature of the title to the mine of New Almaden, which was intended to apply also to Mr. Parrott, whom I stated was anxious to purchase. I repeat my answer, that I do not recollect having made any other statement or allegation in any other deposition respecting Mr. Parrott.

Q. 432.—Did Mr. Parrott's anxiety to purchase a share in the Almaden Mine form one of your grounds for believing that he knew the title to the same to be antedated, fraudulent and forged?

A. 432.—At the time of the sale of the share to Mr. Parrott, I believed that he had informed himself of the nature of the title; but I could not tell to what extent he had so informed himself. But whatever information he may have acquired did not diminish his anxiety to purchase.

Q. 433.—Do you suppose that Mr. Parrott's anxiety to purchase would have induced you, or any owner of the mine cognizant of the facts set forth in Alex. Forbes' letter of 28th March, 1848, to have disclosed to Mr. Parrott that the title was fraudulent, ante dated and forged, and if not, how do you suppose Mr. Parrott obtained any information on that subject?

A. 433.—I can only answer for myself. I did not disclose to Mr. Parrott any such matter.

The long residence of Mr. Parrott in Mexico, and his extensive commercial and financial relations afforded him ample means to carry out his own operations and ascertain information upon any matter in that country, and by these means he doubtless acquired satisfactory information respecting the title to New Almaden.

Q. 434.—Then I understand you to say that because Mr. Parrott had resided for a long time in Mexico, where he conducted

extensive commercial and financial business, you considered yourself justified in negotiating with him the sale of one-half of your interest in the mine, upon the basis that he was fully acquainted with the fraudulent character of the title which he was about to purchase. Am I correct?

A. 434.—I state that owing to the opportunities which Mr. Parrott had for obtaining information in relation to the title of the mine, I do believe he was fully informed of the same when he made the purchase of me.

[The foregoing question objected to by the Counsel for the United States because it does not state fully the grounds upon which the witness had said that he believed Mr. Parrott was fully informed as to the nature of the title to the mine, inasmuch as it omits all that the witness had said of Mr. Parrott's acquaintance and business relations with Alex. Forbes and the house of Barron, Forbes & Co., doing business at the city of Tepic and at San Blas.]

Q. 435.—What reason had you to suppose that Mr. W. E. Barron was acquainted with what you now say is the true character of this title?

A. 435.—The reason that I had for believing that Mr. Barron was acquainted with the nature of the title is because of his connection with the house of Barron, Forbes & Co., and of his knowledge of the affairs of the mine of Almaden, prior to his being established in California with Mr. James R. Bolton, as the agent of the mine, in which agency he is the prominent man in all the litigation, and therefore was, and is, intimately acquainted with the whole proceedings regarding the mines.

Q. 436.—What connection did Mr. W. E. Barron have with the house of Barron, Forbes & Co., before he came to California?

A. 436.—That of consular and commercial correspondent, and confidential clerk. He is the nephew of the then principal partner in that house, and is the cousin of the present representative of that house, Mr. Barron; I mean to say, Eustace W. Barron, son of Eustace Barron, Sen'r.

Q. 437.—You infer then from those facts, and those alone, am I to understand, that Mr. Wm. E. Barron at the time he purchased your remaining share knew the true character of the title which he was buying?

A. 437.—I infer from the facts stated in this and other answers, that he was and is fully acquainted with the nature of the title to New Almaden.

Q. 438.—Please state as you go along, so that we may have at least one point fixed, what I asked you before, if you have any other facts from which to draw the inference that Mr. Wm. E. Barron, at the time he purchased your remaining interest in the mine knew the title to the same to be fraudulent?

A. 438.—I have no other reasons to state than those I have already expressed.

Q. 439.—When you found Mr. Barron willing to pay you $30,000 for one twenty-fourth part of the mine, might you not have been staggered in your belief formed on such facts, that he believed the title of the mine to be fraudulent?

A. 439.—Yes, sir, I might have been staggered, had I not been convinced of the collossal power that would be exercised for sustaining that title at all hazards, as I had been previously informed would be exercised.

Q. 440.—With your high appreciation of the colossal power of the house of Barron, Forbes & Co., grounded, as I conceive, upon what you believe to be their great wealth, with your full belief that all the members of that house were acquainted with the fraudulent character of this claim, why did you not take your papers, which were for sale, to the best market, to wit: to this colossal house. If you threatened them to expose the nature of this claim, and that you would sell to adverse claimants all the evidence in your possession relating thereto, do you not suppose that they could afford to pay you a higher price for the evidenc than any body else?

A. 440.—I take leave to correct the counsel. I have not made any statement with regard to the colossal power of the house of Barron, Forbes & Co. The colossal power to which I alluded is that which has been exercised in California, Mexico and in Washington, resting in the house of Barron, Forbes & Co.; of Señor Escandon, of the city of Mexico; Mr. Eustace Barron, of the same place, and Señor Negrete of the city of Guadalajara. With regard to the sale of papers affecting the title, the counsel assumed what I have never declared. I have never stated that I had papers for sale affecting the title in question. I did not make any overtures to deliver up any such papers or to sell them either to the parties mentioned, or their agents in this city; nor did I threaten them with any exposure of such papers. I believed, and do believe, that the agents of the mine of New Almaden, resident in this city, thought they had no longer any use for my services, and confident in the resources of their principals for sustaining their title at all hazards, it would have been imputed to me that I desired to levy black mail upon them, and, therefore, I did not choose to place myself in the humiliating position of making any application to them.

Q. 441.—The colossal power which you have conjured up is more colossal than I supposed you meant. Perhaps I can help you to make it still more colossal. Might it not also include the house of Jno. Parrott, of San Francisco, and of Bolton, Barron & Co. of the same place?

A. 441.—I have no doubt that it suits the counsel's convenience to magnify the pecuniary means of his clients, and I thank him for the suggestion as regards the house of Parrott. As regards the house of Bolton & Barron, I am constrained to say that their available means depend upon the annual profits that they derive from the mine of New Almaden, the property of which I put them in tranquil possession in 1850. I will add further, in illustration of the colossal power of the whole concern, that I omitted to mention the house of Anthony Gibbs, of London, and the commercial branch of that house in Peru.

Q. 442.—The more colossal this power becomes, the more pertinent is my inquiry. When you had evidence to sell which you claimed would destroy the title under which all the branches of this colossal power held their respective shares in the mine, why did you not, I repeat, seek the best market for your evidence?

A. 442.—I have already stated that I had no papers to sell, and that I made no sale of papers for the purpose of overthrowing the title to the mine; but, although I had experienced the ingratitude of the parties claimant to that property, I made no attempt to overthrow their title, but, on the contrary, I placed within their reach the means of an amicable compromise, but they, depending upon that colossal power of which the counsel vaunts, refused to listen to the terms of that compromise.

Q. 443.—Seeing then that this letter of the 28th March, 1848, instead of operating in vindication of your conduct, either on the occasion of your first deposition or when you sold your interest in the mine for the sum total of $54,000, has a manifest tendency to make your position worse than it might otherwise have been, must you not have had another motive for producing this copy, and a very different motive from that assigned by you?

A. 443.—The counsel is incorrect. I did not state that I depended upon that letter for my vindication—in the sense in which the counsel now views it. I do not consider that that letter is a justification of my former declaration, but I will now take occasion to state what was my real object in retaining that letter in my possession. I knew that the counsel himself had gone to the city of Washington, attended by Mr. Wm. E. Barron, for the purpose of getting a bill passed in the U. S. Congress, for the taking of testimony in Mexico; and if they should not be successful in obtaining the passage of such a bill, that witnesses would be brought here for the purpose of supporting the title to New Almaden, and after such testimony should have been given in this Court, I was determined to exhibit that letter to the United States authorities.

Q. 444.—You pulled out of your pocket your answer to the last interrogatory on the direct examination in the shape of a written statement, that interrogatory appears to have been framed with a view of affording you an opportunity to bring out such an answer. I presume from the manner of its production that your statement was carefully prepared at your leisure; in it you complain of periodical examinations in this case, and declare your motive for producing a copy of the letter of 28th March, 1848, to be your desire to vindicate yourself; if you so much objected to periodical examinations, and were so desirous of vindicating yourself, why did you not, when on the witness stand in this case on the 30th June (last month), with the original letter in your pocket, produce it and hand it to the District Attorney? Why did you hang back, when provocation urged you on and opportunity invited you? Why did you wait until the letter was stolen before you took a single step towards offering it in evidence? and why, as soon as it was stolen, did you forthwith proceed in this business by summoning Laurencel to your counsels, that he might advise with you the best means of bringing the carefully preserved copy of it to the attention of the U. S. District Attorney?

A. 444.—I do not know where I have declared that it was my object to vindicate myself by the production of that letter. As regards the statement presented on this examination I have to say, that that statement was not carefully prepared at my leisure, but that I wrote it myself the day previous, and copied it on the morning of the day of that examination. I showed it to Mr. Randolph a few moments before I came into Court, and I stated to him that I was going to present it on my examination. He replied to me that I had a right so to do; and I declare that neither Mr. Randolph, or any other gentleman of the legal profession, ever suggested to me one word contained in that statement. The reason why I did not present that letter on my examination of the 30th June last, is fully stated in my preceding answer. I did not hang back, neither was provocation urged, or opportunity invited for me to present that letter. The examination was short, and counsel for claimants asked me to identify two or three letters and another document. My reasons for not proceeding immediately to present the copy of that letter to the U. S. District Attorney is set forth in my written statement. With regard to summoning Mr. Laurencel to devise means to present the copy of that letter to the U. S. District Attorney, I have simply to say that I thought proper to choose Mr. Laurencel as the medium of the conveyance of that copy to the said functionary.

JAS. ALEX. FORBES.

Examination postponed till to-morrow, at 11 A. M.

SAN FRANCISCO, July 31, 1858.

CROSS-EXAMINATION OF JAMES A. FORBES, RESUMED.

Present: A. C. Peachy, Esq., Counsel for Claimants; Ed. Randolph, Esq., Counsel for United States.

Mr. Forbes desires to add in further answer to the last question, the following:

"I have to say in further explanation of the question, that in the examinations referred to, the counsel for the claimant was extremely moderate and forbearing in his questions to me, for the reason, I presume, that he had been informed by Mr. Barron that he, Mr. Barron, had been made aware of the contents of that letter."

Q. 445.—Look at the two letters now shown you—one dated Monterey, 20th March, 1848; the other, Monterey, 25th March, 1848—and say if you know in whose handwriting they are; and if yea, state who wrote them.

A. 445.—I do know the handwriting.

Q. 446.—Did you receive from Alexander Forbes the letters of which the papers shown you appear to be copies, preserved for his own use?

A. 446.—I think this document, dated 20th March, 1848, is a copy of a letter received from Alex. Forbes about that time. I mean to say that some of the matter contained in this document was embodied in the letter alluded to. With regard to this other document, dated 25th March, there is matter contained in it which was never written to me, and there is matter contained in it which is comprised in the letter of the 28th of March, 1848.

[Counsel for claimant offers in evidence the two documents shown to the witness, which are annexed to this deposition, and marked respectively "O. H. X., No. 15" and "O. H. X., No. 16."]

Q. 447.—When did you reply to these letters, or either of them?

A. 447.—I think I replied to that which is dated 20th March. I have no recollection of having replied to the part of the matter contained in the other document, which I have stated was comprised in the letter of the 28th March, 1848.

Q. 448.—How long after Mr. Forbes left California before you wrote to him? And when you wrote to him, had you received from him any letter written after his departure from California?

A. 448.—I do not reccollect how long it was. It is possible I may have received a letter from him before I again wrote him, but I am not certain.

Q. 449.—Look at the letter now shown you, and say if you are acquainted with the handwriting and signature.

A. 449.—I am.

Q. 450.—Look at this other letter now shown you, and say if you are acquainted with the handwriting and signature.

A. 450.—I do know the handwriting and the signature.

Q. 451.—Who wrote and signed those letters, and when; to whom were they addressed, and were they sent to their address?

A. 451.—I wrote them; I signed them; to Alex. Forbes, and they were sent to him.

[Counsel for claimant offers in evidence the foregoing letters, which are annexed to this deposition, marked respectively, "O. H. X., No. 17" and "O. H. X., No. 18."]

Q. 452.—Was the letter dated the 28th June, 1848, the first you wrote Mr. Alex. Forbes after his departure from California?

A. 452.—I do not recollect whether it was or not. I think that with regard to the letter dated 22d March, 1848, it was transmitted to him at Monterey at its date.

Q. 453.—Have you any more letters in your pocket, or in any old portfolio, relating to the title in this case?

A. 453.—I have no more letters in my pockets, and I cannot state with certainty whether any letters in relation to the title in question exist in my possession or not.

DIRECT EXAMINATION . RESUMED.

Q. 1.—You have spoken of a suite of rooms in the Railroad House, one of which you occupied on the 30th day of June last past, and from which on the night of that day the original letter of Alex. Forbes of March 28, 1848, was stolen. Do those rooms, or any of them, communicate directly one with another?

A. 1.—They do not all communicate with each other. In that suite there is communication from No. 47 into No. 48, from 48 into 49, from 45 into 46, and from 43 into 44, which last number was that of the room which I occupied on the occasion referred to.

Q. 2.—On which side was the connecting door between 43 and 44 fastened?

A. 2.—That door, from room No. 43 into room No. 44, besides the lock on the door it has a bolt on the door in room

43. I mean to say on the door which communicates from 43 to 44.

Q. 3.—Do you know whether or not the window in 43 opening on the parapet which you have described, was fastened when you left your room and went to the restaurant on Montgomery Street?

A. 3.—I do not.

Q. 4.—Do you know anything which would have prevented a person from entering room 43 by the window, and then entering your room by the connecting door which you have described?

A. 4.—I do not. The bedstead in room No. 44 is placed against the door; it moves upon casters and is easily moved; that would be the only obstacle to entering that room in the manner expressed.

Q. 5.—Now please state any matter or thing within your knowledge which may now occur to you that is calculated to further explain the true nature of the alleged title in this case, and anything which you may think necessary to a proper understanding of any subject matter which has been brought forward on your cross-examination.

A. 5.—I simply have to ratify my statements made upon the points alluded to in this question, and now have to add that I never had any communication, either personally or otherwise, with the counsel for the claimant in this case or with his clients in relation to testimony, or in any other matter whatsoever in connection with this case, subsequent to the time in which overtures were made to them by Mr. Laurencel, for an amicable compromise of their respective claims.

Q. 6.—In your explanation which you this morning desired to make in continuation of your last answer on yesterday, do I understand you as intending to express your belief that the claimant in this case, or rather their agent in this city, I mean Mr. Barron, instructed the counsel for the claimant not to press you with questions on that day, because he knew that you were then in possession of the letter of the 28th March, 1848, and if pressed would produce it?

[Counsel for claimant objects to this question as leading.]

A. 6.—I think I have already stated in substance that such was my belief. I was informed on the morning of my examination, viz: the 30th June last, by Mr. Birnie, that he had communicated to Mr. Barron the purport of that letter, and from the manner in which the counsel for claimant conducted my examination, I naturally inferred that he had been informed by Mr. Barron of the knowledge that he had acquired respecting the contents of that letter from Mr. Birnie.

Q. 7.—Then after Mr. Barron had been informed by Mr. Birnie that you had the letter, and after that examination was concluded, and after Mr. Birnie had taken a copy of that letter for the purpose of giving it to Mr. Barron, within a few hours the letter was stolen from your carpet-bag, from your room No. 44, at the Railroad House in this city. This is the substance of your testimony, is it not?

A. 7.—It is, upon that point.

CROSS-EXAMINATION RESUMED.

Q. 1.—Please state the particulars which induced you to believe that the counsel for the claimant was extremely moderate and forbearing in his questions to you on your examination on the 30th June last.

A. 1.—I refer to those questions; and I state also, that my belief of the facts expressed in my answer this morning is founded upon the demeanor and bearing of the counsel in that examination.

Q. 2.—Your letter of the 5th May, 1847, which at that examination you acknowledged to have been written by yourself on its date, and sent to its address, was sufficient to show, was it not, that at that time you had seen and commented upon a copy of the claimant's title in colonization, which your testimony was taken by the United States on the 14th December last, to prove had been made according to the suggestions in your Tepic memorandum?

A. 2.—I agree with the counsel that my letter referred to in this question does prove that I had seen a paper purporting to be a copy of an order from Señor Castillo Lanzas to the Governor of California to put Mr. Castillero in possession of two leagues of land. I do not know whether the object of taking my testimony on the 14th of December was to prove or disprove the facts I have just expressed.

Q. 3.—On your examination, begun on the 14th December, 1857, you were asked, in the most broad and comprehensive terms, whether you had any reason to believe that the document relied on by the claimants as their title in colonization, being the same referred to in your previous answer, was in any manner affected by fraud. You refused to answer that question, did you not, and all other questions of a like character, upon the ground that an answer would tend to subject you to a criminal prosecution?

A. 3.—In response to this question I refer to my answer No. 415, in yesterday's examination.

Q. 4.—Answer the foregoing question.

A. 4.—I did refuse to answer those questions; and for an

explanation of my refusal to answer those questions I again refer to my answer No. 415, of yesterday's examination.

Q. 5.—After you had refused to answer those questions for the reasons stated, and before your recall on the 30th June last, had anything occurred to induce the claimants to believe that you had changed your views in regard to the expediency of answering those questions, and that on the 30th June you would be willing to subject yourself to a criminal prosecution by answering questions which you had refused to answer in the preceding December?

A. 5.—I do not know. I am unable to state what may have been the views of the claimants.

Q. 6.—I did not ask you what were the views of the claimants. I asked you whether anything had occurred to induce them to change their belief as to what your conduct would be on the 30th June, founded on what your conduct had been in the preceding December.

A. 6.—I do not know.

DIRECT EXAMINATION RESUMED.

Q. 1.—At the date of your letter of the 5th May, 1847, hereinbefore referred to, had you seen anything which purported to be a ratification by the Mining Junta at the city of Mexico of the alleged mining possession given to Castillero by the local authorities of California in 1845, and an approval of said ratification by the President of Mexico?

A. 1.—I had not.

Q. 2.—At the date of Alexander Forbes' letter of the 28th March, 1848, hereinbefore referred to, had you seen any paper purporting to be the aforesaid ratification and approval?

A. 2.—I had not.

Q. 3.—Had you ever seen any paper purporting to be either the original or a copy of such ratification and approval at the date of your memorandum left in Tepic with Alexander Forbes for Andres Castillero?

A. 3.—I had not.

Q. 4.—The decree of Castillo Lanzas, referred to in your letter of the 5th May, 1847, is the same pretended title paper which you have said was first brought to your knowledge by Robert Walkinshaw, and which at the same time he gave you to understand was invalid or defective, and which Alexander Forbes also gave you to understand was invalid or defective, and which is referred to in his letter of the 28th March, 1848, as having been manufactured long after the Americans took possession of California; is it not?

[Claimants' counsel objects to the foregoing question upon

the ground that it assumes as a fact that which although first stated by the witness has been subsequently withdrawn and explained.]

[Counsel for the United States does not understand that the witness has anywhere withdrawn the statement referred to.]

A. 5.—The paper referred to in this question is the one of which a copy was shown to me at the date of that letter by Mr. Walkinshaw. I think I have before stated that the conversations had soon after that date with said Walkinshaw, and subsequently with Alexander Forbes, was more in relation to the invalidity of the act of the mining possession to Castillero than it was in relation to this document; but this document was embraced in those stated by Alexander Forbes in said letter to have been obtained subsequent to the occupation of California by the United States, inasmuch as he states that all the documents obtained by Castillero in Mexico were procured by Castillero at that time.

JAS. ALEX. FORBES.

[At this point neither counsel having any more questions to ask the witness, the deposition was closed.]

EXHIBIT E. M.

HONOLULU, Sept. 27, 1846.

DEAR MR. FORBES:

I take advantage of the first favorable opportunity that presents itself, to send you a few hurried lines, in accordance with a former promise.

Here I am still, very much annoyed, as you may easily conceive, at being detained in this half savage place, having nothing to do, and my anxiety to reach Mexico amounting almost to madness. I am daily, nay hourly, expecting the arrival of the Palinuras transport ship, which is to carry me to San Blas.

The only English man-of-war here at present is the Juno, with our friend Capt. Blake. The Grampus, a fifty-gun frigate, reached this shortly after our arrival but was sent off almost immediately to Tahiti. The Collingwood left for the same destination on the 3d inst.; the Spy, brigantine, has gone more recently, also for Tahiti; the Cormorant, steamer, the Fisguard, the Modesto, and two surveying vessels under the command of Capt. Kellet, are in the Columbia River. The American ship

Columbus is here lately from Japan; she was destined to co-operate with the squadron on the coast of California, but now that the storm is blown over, she goes to Valparaiso.

The only news of any importance, by the last mail, is an account of the settlement of the Oregon question.

The treaty fixes the boundary by the line of 49 deg. 20 min. with the free navigation of the Columbia to British vessels, until the expiration of the H. B. Company's charter. By this you will perceive that England gives up all the good harbors of the north-west coast and gets nothing in return. Thus has the country been again sacrificed by the assinine stupidity of old Aberdeen. Every Englishman with whom I have spoken on the subject seems utterly disgusted at the whole proceeding, and none more so than the officers of H. M.'s Navy, who looked forward with pleasure to a brush with the Yankees, but who now must hide their diminished heads while Jonathan may well boast, if not of his bravery, at least of his superior sagacity.

I fully expect to leave this before a week and soon to enjoy a long palaver with our mutual friend, Mr. Forbes. I am most anxious to see about forming a company to work the mines of Santa Clara. In the event of my succeeding (of which I have but very little doubt) would you consent to take charge of the whole concern? Pray let me know in your next letter. I am also very desirous of doing something about that grant of land. I will give the Yankees as much annoyance as I possibly can in the matter. May I beg of you to write to me by the very first opportunity to Mexico. Send your letter to me under cover, directed to Mr. Bankhead. I inclose a letter which I got for you at Los Angeles, but which I forgot to deliver when last we met. I shall write to you again when I reach the city of Mexico.

I forgot to mention, that by the last accounts, the Americans were rapidly advancing into the very center of Mexico, and it was even feared that they would overrun the country, if England or France did not interpose. The "ilustre sangre Mexicano" seemed to be below zero.

I remain,
My dear Mr. Forbes,
Your very sincere friend,
EUGENE McNAMARA.

EXHIBIT O. H. X., NO. 14.

STA. CLARA, 18th Nov. 1849.

MESSRS. BARRON, FORBES & Co., Tepic:

Gentlemen:—I have to inform you, that immediately after the judgment given by the Court in First Instance, against the denunciation of the Mine of New Almaden, I was cited to appear before that Court at the suit of Grove C. Cook, in which, *he* laid claim to that property as being upon his land!

This is the last effort of Mr. Walkinshaw, who I learn has offered to purchase a part of the land of Cook, and has thereby caused Cook to believe that the mine can be obtained in this suit!

The ultimate object of Mr. Walkinshaw, is to make it appear that the first possession of the mine is illegal, and very probably, by destroying the principal documents still in his possession, he expects to attain his iniquitous ends. Those documents are not recorded in California. I speak of the grant from the General Government, and the contract of habilitation.

I appeared and told the Judge that the suit of Cook was a very extraordinary proceeding; and requested him not to take cognizance of it, as it was only intended to annoy me as the representative of the principal owners of the mine; for in reality, there was no legitimate claim on the part of Cook or any other individual, to the mine, or the lands, or hacienda. The case was left over to a future day, since which, I have heard nothing of it.

On Monday, the 26th, Mr. Walkinshaw is cited to appear in a complaint, entered by me, for the delivery of the papers and documents belonging to the negociation of New Almaden.

You will readily perceive the necessity of attending to the purport of my private letters already remitted to you; and I hope that you will not fail to carry out the end therein expressed. Please bear in mind that all documents authenticated in foreign parts, to be available in an American court of justice, must be certified by an *American Consul* or *Minister*, at that foreign place whence such documents emanate.

I have ascertained that the land of the Berreyesas, contiguous to the mine, cannot reach the mine or the hacienda. The previous opinion we had upon this point, originated in the supposition that the survey of these lands was a surface chain survey or actual measurement; but having inquired particularly of the Surveyor, I was happy to learn that the survey was a trigonometrical horizontal survey, by which the land designa-

ted in the map will much excede the actual measurement according to the Mexican Ordenanzas de tierras y aguas. This observation is equally applicable to Cook's land.

All these difficulties will be set at rest in a definite and final manner, by sending me the documents I asked of you in my precited letters, to which I pray your strict attention.

You will also be informed that for the reason just set forth, I have *not* purchased the land of the Berreyesas as I so intended on the 28th of Oct., and as per my advice to you of that date.

I remain, gentlemen,

Your most ob't serv't.

JAS. ALEX. FORBES.

On the morning of yesterday, Mr. Walkinshaw employed a blackguard of a Mexican to present the testimony of Juan Megia and Julian Hernandez, formerly employed at New Almaden, to prove that the mine had not been worked for some months. The Mexican requested the Second Alcalde to ask me to hear that testimony, but did not specify what it was, nor did I at that moment, see the two witnesses. I approached the table of the Juzgado and the Mexican pointed to a paper that he had before him, saying that I was requested to hear certain testimony and to signify, in writing, that I would do so. I was going to read the paper, when the Mexican, (a fellow from Mazatlan,) seized the paper, said "No se puede ver." You may judge the state of my mind, after having been harrassed for more than a month by all kinds of such rascally proceedings. I was almost upon the point of kicking the rascal and his paper out of the room, but I exposed him to the Judge of the First Instance, and so frightened the fellow that he ran out of the Court.

I have since been informed of the purport of the abovementioned paper. This is one of the *honorable* proceedings of Walkinshaw! But he can do nothing in the denunciation.

J. A. F.

I had forgotten to mention that a Licenciad Laijar, some time resident at Tepic, is one of the associates of Walkinsaw, and is his legal adviser by Mexican law.

N. ALMADEN, 26th Nov.

This morning on my way to the mine, I called at the Juzgado's to meet Walkinshaw on my citation for the delivery of the papers and documents of this negociation. He answered that he had no papers but those which interested himself; asked me to show a title to the hacienda and mine! and requested the Court to give him time to answer to my demand.

EXHIBIT O. H. X., No. 15.

[NOTE.—Those portions of this letter printed in italics, and inclosed in brackets, show the words and sentences erased in the original.]

MONTEREY, March 20th, 1848.

MY DEAR SIR:

I have made an arrangement respecting the Admittance, by which she is to go down to the coast of Mexico at the same time (*with*) as the William, which arrangement amounts to a sale if certain contingencies do not (*occur*) take place. I therefore will not leave (*this*) Monterey till the 27th of (*the*) this present month. I mention this that you may know the latest day on which I can hear from you, and I request the bearer to be sent from the mine, to enable you to fulfill your promise of informing me if the Robles, or you as their attorney, (*would*) accept of my offer of $6,000 for their two shares. (*As*) I repeat what I said to you here, that it will give me much pain to leave this country with any bad feeling existing between us, and however much disappointed I may be in the arrangement which I hoped to make, I have no other wish than to do by you what I think is right and friendly. I, at all events, will expect to hear from you by the bearer, (*or by any other conveyance which you think will be more speedy. I must feel most severely the disappointment of not hearing from you before I leave the country; and no good can result from a resort to any legal or harsh measures, on either side between us, who of all others ought to go in concert.*

I now beg that you will fulfill your promise, in writing me so as to reach this before I leave, and I have still a hope that you will make such arrangements as will meet both our views and tend to all our,) who will wait your orders, unless you choose to send your letters by some other hand.

I trust you are as averse as I am from resorting to any legal or harsh (*proceeding*) measures. We are the last who ought to be at variance, and I still count on your settling the affair of the Robles, and giving me orders respecting your own two shares as will enable me to regulate the affairs of the mine in Europe on the footing which we had agreed on, or on some such plan, which you may rest assured will not be for your disadvantage, and which will be of great convenience to me and all concerned.

Expecting that without fail, I shall have the pleasure to hear from you before the 27th.

I am, etc., etc.

Yours, very truly,

It would be convenient if I could hear from you in time to reply before I leave this.

EXHIBIT O. H. X. No. 16.

[NOTE.—Those portions of this letter printed in italics and inclosed in brackets, show the words and sentences erased in the original.]

MONTEREY, 25 March, 1848.

JAMES A. FORBES, ESQ., Sta. Clara.

My dear Sir:—I have received your letter of the 22d instant, and would have answered it immediately, but the man who brought it has been ill of a boil on his leg, which is the cause of the delay in writing you.

I shall not trouble you with any remarks respecting what has passed between us on the subject of the sale of yours and Robles' shares of the mine, further than to say that I firmly believe your proceedings in the whole affair have been according to what you have thought right, and I assure you that I have felt most poignantly the difference of opinion we have had (*as to the value of the shares in question,*) on the business, but unfortunately as to the value of the shares I find (*that*) the difference in opinion still exists, but in order to make another endeavor to effect an arrangement, I have named Mr. Walkinshaw and D. Manuel Diaz, who will wait upon you as soon as possible, and who (*will have*) take powers from me to conclude an agreement.

I would not have named D. Manuel Diaz, if he had been one of those whom you suppose had attempted to prejudice me against you, (*but I assure you that*) on the contrary he has always spoken of you as a friend, and as such I name him, thinking it will be agreeable to you.

I am most sensible of your (*great attention*) exertions to serve me, and of the great trouble you took to forward in every way in your power the interests of (*the mine*) that concern, and (*I can assure*) you may rest assured that whatever way the business now depending between us is settled, and whatever proceedings may ensue, I do not leave California with any other sentiment towards you personally than that of friendship and respect. The great convenience to me of settlement, and (*the advantage*) my opinion of the advantage (*such a settlement*) it would be to all parties, have been the only motives for my urging such settlement, which I have still strong hopes may be effected.

(*Begging of you to forgive any seeming want of politeness on my part in the discussion between us, which was unintentional,*)

I remain, my dear sir, your very obedient serv't,

A—— ———.

I beg you will continue your correspondence with me as usual, and that you will be kind enough to inform me of what is passing in California; as well as to let me know of every thing respecting the negotiation between you and my apoderados.

A. F.

EXHIBIT O. H. X. No. 17.

SANTA CLARA, 22d March, 1848.

ALEXANDER FORBES, Esq.

My Dear Sir:—I have this moment received your letter of the 19th instant, and answer it immediately by your messenger.

I had already closed a package for you, including a letter containing my answer to your last proposition, and in relation to the whole of the shares in the mine of New Almaden, held in the name of Robles. I beg to refer you to that letter.

I desire you to accept my thanks for the expression of your regret on leaving California with any bad feelings existing between us; and also for your friendly and equitable wishes towards me. None of the first exist in my breast, and I pray God that all success may attend you. There is no meed of praise or merit attached by me to my actions or operations in this affair of the mine of New Almaden; nor shall I allege any services rendered to you; but I shall spurn at those base sycophants, who being no real friends of yours, but wishing to creep into your favor, have endeavored to poison your mind with regard to one who never entertained a thought sinister to your interest; and who, notwithstanding the cold, repulsive reception occasioned by your pre-occupied mind, did not hesitate to manifest a sincere desire to serve you. But in what manner have those feelings on my part been appreciated? You declare that I have arrayed myself in defiance against you, and that you will take measures to counteract all that I can do! This has caused in me a poignant wound to my feelings, knowing that it may be augmented by your incorrect view of my intentions in relation to the affairs of the mine. I am quite sure, however, that the right of the Robles, which I represent, is most incontestible and tenable in any tribunal of the civilized world; consequently, it never has occurred to me that any litigation could take place, except by an attempt to impair that right.

It is difficult for me to believe that you, or any other person of sound, moral, unbiassed judgment will say that I have done wrong in the trust reposed in me by the Robles. But I will trespass no longer upon your time. I went to Monterey with a sincere desire to effect an arrangement with you; but you formed a misconception of my principles and sentiments. I have made a last proposition to you with the intention of retiring from any further intervention in the affairs of the mine of New Almaden. It remains with you to accept or reject

that proposition, and also to remain assured of the respect with which, I am, my dear sir,

Your most obedient servant,

JAS. ALEX. FORBES.

[Private.] EXHIBIT O. H. X., No. 18.

SANTA CLARA, 28th June, 1848.

ALEXANDER FORBES, Esq.

My Dear Sir:—Soon after your departure from Monterey, Mr. Walkinshaw and Don Manuel Diaz, made proposals to me in your name, for the purchase of the four "barras" or shares in the mine of New Almaden de Sta Clara, of which I am the agent on the part of the Messrs. Robles. The offer made by your agents for those shares not being equivalent to their present or future value, I have declined entering into any negociation for their disposal. Having present a due sense of the nature of my position as agent for the shares of the Messrs. Robles, and also of that of your position as habilitador and part owner of the mine, permit me to call your attention to the following observations:

The individual shareholder, who on behalf of himself, and of the other owners of the mine, granted a power of attorney to the Rev. Mr. Macnamara, did so under the persuasion and express understanding that that Rev. gentleman would use his best endeavors to obtain an "habilitacion" for working the mine, in all its relative branches, in a manner at once commensurate to the vast magnitude of the undertaking and the interest of the owners.

Under the impression that this object could in no way be better obtained than through an English company, (the command of capital, the spirit of enterprise, the liberality of management, and the good faith of the mining companies of that nation, being above all others distinguished,) it was specially provided that the contract of habilitacion should be celebrated with an English company.

How far Mr. Macnamara did, or did not, adhere to the terms of the trust reposed in him, to you, (who are acquainted with all the facts,) I leave to judge. Certain it is, as has subsequently appeared, that on his arrival in California, Mr. Macnamara commenced his negotiations relative to obtain an interest in this mine, as your agent; and it is no less certain, that having obtained the confidence of the owners, and authority as their agent, he returned to Tepic, immediately disclosed to you

the nature and extent of his powers, and without taking another step in the business, consented that you should be the "habilitador" on the lowest terms assigned by the owners; being precisely those which are least favorable to their interest and most favorable to yours.

Such was the well-known conduct of Mr. Macnamara; and it therefore must not be wondered at if, under such circumstances, doubts should arise touching the validity of your contract of habilitacion, and at the same time, doubts as to the right of Mr. Macnamara to the one share of the mine offered to be ceded to him, in consideration of the due discharge of his agency on behalf of the owners, to obtain for them a beneficial contract of "habilitacion."

To conciliate the owners of the mine to this undue proceeding of Mr. Macnamara, you must be sensible that nothing has been done on your part. Your attention hitherto, has been engrossed by a desire to advance your own exclusive interest, or rather your private ends, in total disregard of the interest of the "habilitated" owners. In fact, you have not disguised your intention to wrest from them the few shares of the mine of which they still hold possession, and as if to second your views and at the same time to save risking more funds than the small advance you have hitherto staked, you have not provided the proper approved apparatus for extracting the quicksilver; but, in its stead, set up a miserable make-shift invention, (the result of a series of unsatisfactory experiments); and this, notwithstanding your own conviction of it being attended with the sacrifice of a very large per centage of quicksilver; while, at the same time, the difference between the daily extraction thus produced, and that which would be produced by a suitable apparatus, is enormous, exceeding one thousand pounds; and thereby subjecting the owners to an enormous and aggravated daily loss; which is still more augmented in consequence of the continuous defective state of your substitute for the proper apparatus.

In regard to the provision of the ordenanzas, Art. 10, Tit. XI, to which frequent allusion has been made by you, allow me to remark that the benefit of that article is alike open to the parties I represent, as to any other individual having an interest and a right to appeal to it. And that so far as may concern the transfer of any shares of the mine from the hands of the original owners, due intimation of such transfer never having been made to my parties, their right to avail themselves of the aforesaid article is in no way impaired.

Mr. Walkinshaw has informed me that he received instructions from you not to receive any of the quicksilver accruing

to the four shares (of the mine) of which I am the agent, but to place the product thereof at my disposal.

I can easily perceive that this measure is an indirect blow dealt in the hostile attitude you assumed towards me at my last interview with you at Monterey. I could not expect that you would be troubled with the product of those shares: and as I feel it to be my duty to question the validity of your contract as habilitador of the mine of New Almaden, I have deferred receiving any part of the product of the shares for which I am agent, until this question shall be decided.

The Rev. P. Real having appointed me to be his agent for the management of his share promised to Mr. Macnamara upon the condition hereinbefore stated, I trust that you have not purchased that share of the last mentioned person.

I presume that what I have stated to you in this letter will be sufficiently explicit for you to understand the necessity of your naming an agent in California to meet and rebut, if possible, the facts herein stated, and which are the foundation of the cause of litigation which you are aware I was desirous to avoid, even by undue cesion of right in deference to you.

Permit me to request an answer to this at your earliest leisure.

I am, my dear sir,
Your ob't servant,
JAMES A. FORBES.

Indorsed: Filed Sept. 6, 1858.
W. H. CHEVERS, Clerk.

ORDER.

THE UNITED STATES
v.
ANDRES CASTILLERO. } No. 420.

On appeal from the Land Commission, in the U. S. District Court for the Northern District of California:

On motion of the claimant's counsel it is ordered and directed by the Court, that the claimant may proceed to examine as witnesses in this case, before W. H. Chevers, U. S. Commissioner, the following persons, to wit: Asa Vestal, William Aram, J. C. Rayney, Leslie Bostwick, William S. Smith, Thomas Campbell, H. C. Melone, William McCutchen, William C. Jones, Isaac Branham, Frank Lewis and L. D. Gavit, at such

time or times, after due notice to the U. S. District Attorney, as may be reasonable.

August 17th, 1858.

OGDEN HOFFMAN,
U. S. District Judge.

Filed, August 17, 1858.
W. H. CHEVERS, Clerk.

DEPOSITION OF WILLIAM ARAM.

U. S. DISTRICT COURT
Northern District of Cal.

UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, August 17, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came William Aram, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. Attorney and E. Randolph, for the United States.

QUESTION 1.—(By claimants' counsel)—What is your name, age and place of residence?

ANSWER 1.—William Aram; am 37 years of age, and reside in Santa Clara County, near San Josè; I have lived there six years, ever since I came to the country.

Q. 2.—Do you know Jas. Alex. Forbes, living in the village of Santa Clara?

A. 2.—I know him by sight.

Q. 3.—Are you acquainted with his general reputation in the community in which he lives.

A. 3.—I am.

Q. 4.—What is his reputation for truth and veracity?

A. 4.—It is bad.

Q. 5.—Judging of his character by his general reputation, would you believe him on his oath?

A. 5.—If there were reliable witnesses contradictory, I would not believe him on his oath.

Q. 6.—Would you believe him on oath if it were to his interest to swear to a falsehood?

A. 6.—I should not.

CROSS-EXAMINATION.

Q. 7.—How long have you known of this bad opinion of Mr. Forbes?

A. 7.—About the whole time I have lived in the country.

Q. 8.—When did you come to the country?

A. 8.—In 1852.

Q. 9.—Where did you then settle?

A. 9.—Near San Josè; I purchased a part of a 500 acre lease of my brother, for 999 years.

Q. 10.—How long have you known Mr. Forbes, personally?

A. 10.—Directly after I came into the place I had an introduction to him, and have known him ever since.

Q. 11.—Under what circumstances did you first hear the expression of an unfavorable opinion of Mr. Forbes' veracity?

A. 11.—Hearing private remarks made of the man. Soon after I came into the country I heard something about his having been arraigned for perjury. The charge was that the grand jury had found an indictment against him for perjury, but I paid no attention to the names or parties.

Q. 12.—Did that statement produce in your mind an unfavorable opinion of him?

A. 12.—I cannot say it did particularly, but it opened the door, when I heard constant remarks of things adverse to his character for truth and veracity.

Q. 13.—In a community where there have been so many conflicts and divisions as in the county of Santa Clara, was not the mere finding of such an indictment sufficient to injure character and to cause many remarks against the individual?

A. 13.—It would have that tendency.

Q. 14.—Have you never heard of perfectly innocent men being indicted by a grand jury, and where this has been effected by the malice of private enemies?

A. 14.—I have.

Q. 15.—Do you know what proceedings were had upon that indictment?

A. 15.—Except from report, I do not.

Q. 16.—Was it prosecuted to a trial?

A. 16.—It was not.

Q. 17.—Have you heard any remarks about his having been indicted by the grand jury?

A. 17.—I have heard it spoken of some several times within the six years I have been here.

Q. 18.—Has there not been at different times since your arrival in the country, a great deal of excited or ill feeling between the American settlers and those persons claiming lands under Spanish grants and their agents and witnesses?

A. 18.—There has been a great deal at times where the settlers consider the claims fraudulent.

Q. 19.—Was there not at one time an opinion that most of the grants in that neighborhood were fraudulent?

A. 19.—There has been such a view taken of the matter by the masses.

Q. 20.—Was not that county very much divided into two sets or parties, one claiming under alleged Spanish grants and the other claiming under American law as pre-emptors or settlers?

A. 20.—Such has been the state of society for the past few years.

Q. 21.—Did not those two parties make very grave charges each against the other, and was there not a great deal of feeling on the subject?

A. 21.—They did, and at times there was considerable feeling.

Q. 22.—Has not Mr. Forbes been very much identified with the party of the claimants?

A. 22.—In some instances he has.

Q. 23.—As an old resident of California has he not frequently been called on to testify?

A. 23.—In some instances I have heard he had been; have heard it from both settlers and claimants.

Q. 24.—Did you hear any comment upon his testimony in those cases?

A. 24.—I have; I heard Harry Love curse him for what he, Forbes, had said about the Bennett case, out of court. Don't know that he testified in that case. Harry Love is the present husband of Mrs. Bennett. I heard remarks made about the part he took in the Galindo case. Don't know whether as agent or witness. Have heard remarks made by several, unfavorable to him, Mr. Forbes. They were parties opposed to the claim. These were all the particular circumstances I recollect at present, unless it was the Peralta case. I heard many remarks made.

Q. 25.—What were those remarks?

A. 25.—I was not present at the examination of Forbes. The remarks were that he was taking a very active part in the matter and that he was interested. There was a great deal of

feeling at that trial, so much that they moved from the Court House to the City Hall in consequence of the crowd.

Q. 26.—Have you any interest in the pueblo lands of San José?

A. 26.—I have; I have heard that an affidavit of Mr. Forbes has been filed on the part of the United States in opposition to that claim.

Q. 27.—Has there been no difference of opinion in the community as to the character of Mr. Forbes?

A. 27.—I have never heard any man speak well of him on general terms; heard one man say he had nothing against him as he had been paid. He is generally disliked.

Q. 28.—Have you any opinion of Mr. Forbes' character as a man, and do you like or dislike him?

A. 28.—My opinion is formed from the general character of the man. Personally, I neither like nor dislike him; I wish to have nothing to do with him; I think he owes a good deal of money in the country.

WILLIAM ARAM.

Sworn to and subscribed, August 17, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

DEPOSITION OF WM. L. SMITH.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, August 17, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Wm. L. Smith, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in Case No. 366, on the docket of said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. Attorney and E. Randolph, for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

ANSWER 1.—William L. Smith; am a little upwards of sixty, and reside in the city of San José, Santa Clara County.

Q. 2.—Do you know Jas. Alex. Forbes, of the village of Santa Clara, in Santa Clara County?

A. 2.—I do.

Q. 3.—How long have you known him?

A. 3.—I have never known him intimately. I have known him by sight, and the usual courtesies have passed between us since 1852.

Q. 4.—Do you know Mr. Forbes' general reputation in the community in which he lives?

A. 4.—I do.

Q. 5.—What is his reputation for truth and veracity?

A. 5.—It is bad.

Q. 6.—Judging of his character from his general reputation, would you believe him on his oath?

A. 6.—I could not, unsupported by other evidence, circumstantial or otherwise.

CROSS-EXAMINATION.

Q. 7.—How long have you known Mr. Forbes by sight and reputation?

A. 7.—I think since 1852.

Q. 8.—When did you first hear of Mr. Forbes' bad character for veracity?

A. 8.—As well as I recollect, in the year 1852, and up to the present time. I thought for a long time that it was a prejudice in the public mind, until I saw him as a witness before a judicial tribunal in California, when I concurred with the public opinion of him, as to truth and veracity; I felt at first as if I would not partake of this prejudice, until a further acquaintance with him and his character, and hearing him testify before a judicial tribunal, I concurred with the public opinion of him as to truth and veracity.

Q. 9.—Before what judicial tribunal and on what occasion was that testimony given?

[Objected to by Mr. Peachy as immaterial and irrelevant.]

A. 9.—It was before the District Court of Santa Clara County, in the case of the probate of the will of old Peralta, in 1855 or 1856.

Q. 10.—What particular interest did you take in that case?

A. 10.—None further than a desire to hear Mr. Forbes' testimony in that case.

Q. 11.—Were you of your own knowledge acquainted with the circumstances about which Mr. Forbes testified?

A. 11.—No further than they were developed on that trial, and by Mr. Forbes himself.

Q. 12.—What were the circumstances testified to by Mr. Forbes, which made you form this opinion of him?

[Objected to by Mr. Peachy, first, because it is irrelevant, and second, because it is not in cross-examination of the witness.]

A. 12.—As well as I recollect, he swore that he had no interest in the matter then in controversy, but in the course of his examination, as a witness, he was required and did produce a deed of absolute conveyance from one of the heirs or legatees, to him for a large stock of cattle and his interest in the real estate.

Q. 13.—Is your recollection perfectly accurate as to what Mr. Forbes did swear, and if so, give us his words?

[Same objection to this question as to the preceding.]

A. 13.—My recollection is distinct that he denied, promptly, having any interest in the matter then before the court, and in the course of his examination on the point of his competency or interest, he was required to produce a certain instrument, in writing, then in his possession, which he did and was read in open court, and purported to be an absolute conveyance of the property of one of the heirs to said Forbes.

Q. 14.—From which one of the heirs?

[Same objection as before.]

A. 14.—I do not recollect the given name of any one of the heirs.

Q. 15.—Do you know precisely what was the issue to be tried in that case?

[Objected to as before.]

A. 15.—I do. It was of the soundness of his mind and his capacity to make a will.

Q. 16.—After Mr. Forbes had produced the conveyance you spoke of, did the Court permit him to testify in that case?

[Objected to for same reasons as before.]

A. 16.—I think they did, with the understanding that if upon examination of authorities it should be found inadmissible, it would be ruled out.

Q. 17.—Are you not one of the parties who claim the lands of the pueblo of San José, by purchase at Sheriff's sale under execution for some twenty odd thousand dollars.

A. 17.—I am one of a company who purchased the common

lands claimed as belonging to the pueblo of San José, at the Sheriff's sale under an execution. The execution, as well as I recollect, was for between $26,000 and $27,000. The lands sold for more than the amount of the execution. The surplus, after satisfying the execution, was paid to the city authorities.

Q. 18.—Was not the quantity of land purchased by you, and the others in the manner and for the sum mentioned, about two hundred and fifty square miles?

A. 18.—I have not estimated the quantity of land. The eastern boundary is eleven leagues and one-half. I do not know the quantity of land.

Q. 19.—Have you not often heard it estimated by persons interested in that purchase, and have you not to-day heard Mr. Melone, one of your partners, under oath in this very case, estimate the quantity of land at thirty Mexican square leagues, which amounts to something in the neighborhood of two hundred and fifty square miles?

A. 19.—I have heard Mr. Melone's testimony; I concur with him that it embraces between twenty-five and thirty leagues.

Q. 20.—Are you not informed, and do you not believe, that Mr. Jas. Alex. Forbes has done an injury to your interest in this great claim by making an affidavit in support of a motion on which the United States caused a decree which has been entered in your favor for all this land to be set aside, and the case re-opened for further proceedings?

A. 20.—No further than a delay and increased expenses to the company in prosecuting the claim to a final decision.

Q. 21.—How many ranchos are included within the limits of those two hundred and fifty square miles?

A. 21.—I do not know the number within the pueblo boundaries.

Q. 22.—Do you think there are as many as ten ranchos within those limits?

A. 22.—I do not think there are over twelve.

Q. 23.—Do you really expect that some day or other, you and your associates in this speculation will enter into the enjoyment of this extensive territory, and the ranchos included?

[Objected to by Mr. Peachy.]

A. 23.—No, I do not, sir.

Q. 24.—Are you not still prosecuting this claim, and if yea, why are you prosecuting it, if you do not expect to succeed?

[Objected to by Mr. Peachy for irrelevancy; and secondly, it assumes a fact that has not been proved, in this that the claimants might establish the pueblo claim against the United States, but not against grantees within the pueblo limits from

the Mexican Government, and the question assumes that if the witness does not expect to recover all of the land, he cannot recover any of it.]

A. 24.—We are still prosecuting the claim under the conviction that it is a good and valid claim against the government of the United States, and that as upwards of three-fourths of the common lands are covered by Mexican grants, and they not being segregated, and the pueblo having natural boundaries, we are compelled to prosecute the whole claim according to the boundaries of the pueblo.

Q. 25.—Then it is the intention of your association to give every ranchholder a quitclaim deed gratuitously?

[Mr. Peachy requests the Commissioner to instruct the witness that he is not bound to answer the foregoing question on the ground that it interferes with his private affairs, and is entirely irrelevant.]

[The witness does not object to answer the question.]

A. 25.—My feeling is to give each ranch owner the extent of his grant according to the laws, usages and customs of the Mexican Government. I do not speak for the association.

Q. 26.—Has not all along, since you have been acquainted with the county of Santa Clara, a strong feeling existed among American settlers against Spanish grants, and the old residents of the country who have been the principal witnesses in support of them?

A. 26.—At one period it was generally believed that there were no good Spanish grants within the State of California; and it produced a prejudice in the minds of the settlers against the claimants of the Spanish grants, but upon the judicial investigations that have taken place since, I believe a majority of the settlers are in favor of the claims being confirmed.

Q. 27.—Have you at any time occupied land in that county as a settler?

A. 27.—I have occupied and cultivated ground in Santa Clara County without hearing or knowing of its being claimed by a Spanish grant. After I heard of a Spanish grant covering that ground, I advised my neighbors to compromise with the claimants. I refer to the Galindo Grant.

Q. 28.—Was not this Galindo the father-in-law of Mr. Forbes? Was not Mr. Forbes understood to be interested in the grant, and did he not for a long time have the management of the same?

A. 28.—Within the last twelve months I have understood that he was Galindo's son-in-law, and that he acted as the agent

of Galindo in presenting that claim to the District Court for confirmation. I knew of no connection between the two anterior to about twelve months ago. I first heard of the Galindo claim in 1853 or 1854.

Q. 29.—When you heard of the existence of this Galindo claim to your farm and residence, were you not sensible of an unfriendly feeling toward the claimant and his agents, and have you not to this day a strong suspicion, at least, that the grant is fraudulent?

A. 29.—I entertained no prejudice whatever against the claim or the claimant, and refused to contribute to outside efforts to defeat the claim.

Q. 30.—Has not Mr. Forbes been long a resident of California; and has he not often been called as a witness in support of Spanish grants upon which there were many American settlers?

A. 30.—Don't know how long he has resided in California; I am not aware that he has been called as witness as above questioned; I have heard that he has resided a long time in California and that he has acted as agent for claimants of Spanish grants upon which there were many settlers.

Q. 31.—Do you not suppose that Mr. Forbes' connection with old Spanish grants and the trouble and uneasiness which he has caused to settlers upon them, may account in a measure for the unfavorable opinion of his character which you say has so long been entertained among American immigrants in Santa Clara County?

A. 31.—I have no doubt but there is much hostility and prejudice to him arising from that source, but that he is equally unpopular with those settlers that were in California before the general excitement relative to Spanish grants.

Q. 32.—Is not Mr. Forbes represented to be a British subject by birth, and to have held the office of British Consul in California under the Mexican Government; is he not a man of reserved and unsocial manners, who apparently thinks himself better than his neighbors, and may not these circumstances also have contributed to create an unfriendly feeling towards him among the American immigrants who have settled in Santa Clara County?

A. 32.—I have always understood he was a British subject, and that he was the British Consul in this country under the Mexican Government. He is a man of reserved and unsocial manners and seems to think himself better than his neighbors. All these may have contributed to create an unfriendly feeling towards him among the settlers in that county.

Q. 33.—Have there not been during the last few years a

great many feuds and divisions among the population of Santa Clara County, and harsh feeling and harsh language been greatly indulged in by men of one set or party, against those of another?

A. 33.—There has not been unusual excitement by any one particular party, against another, but the tumult and disputes about land was between settler and settler, as much as with the settlers against the Spanish claimants.

DIRECT, RESUMED.

Q. 34.—Were you not examined in the case of the United States *v.* Charles Fossat, as a witness on behalf of the United States, on the 15th April, 1857, and did you not on said examination declare substantially what you have declared on your direct examination in this deposition, and did you not on said examination, among other things, declare that judging of J. A. Forbes' character by his reputation in the community in which he lives, you would not believe him on his oath?

[Objected to as leading.]

A. 34.—Yes, sir.

Q. 35.—Making due allowance for the prejudice against Mr. Forbes, arising from all the sources to which the U. S. Attorney has referred, do you not think it impossible that an honest and truthful man could have acquired such a wide-spread reputation for falsehood as that which prevails around his domicil respecting Mr. Forbes?

A. 35.—I think it possible that such a character may exist.

Q. 36.—Do you think it at all likely?

A. 36.—I have not seen or heard of such a person.

WILLIAM L. SMITH.

Sworn to and subscribed, August 17, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

DEPOSITION OF H. C. MELONE.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, August 17, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came H. C. Melone, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. Attorney and Edmund Randolph, for the United States.

QUESTION 1.—(By claimant's counsel)—What is your name, age, and place of residence?

ANSWER 1.—H. C. Malone; am 51 years old, and reside in San José, Santa Clara County.

Q. 2.—How long have you resided in Santa Clara County, and what public offices have you held there?

A.—Have resided there since September, 1849. I was Clerk of the Court of First Instance, from about the 1st October, 1849, to 1st April, 1850. I was then elected County Clerk, and held that office until October, 1853. Last September I was elected County Treasurer and hold that office now.

Q. 3.—Do you know James Alex. Forbes, of the village of Santa Clara?

A. 3.—I do.

Q. 4.—Are you acquainted with his general reputation in the community in which he lives?

A. 4.—I am.

Q. 5.—What is his general reputation in that community for truth and veracity?

A. 5.—It is bad.

Q. 6.—Judging of his character from his reputation, would you believe him on his oath?

A. 6.—I would not.

Q. 7.—How far is the village of Santa Clara from the county seat, where you live?

A. 7.—It is called three miles.

Q. 8.—How long have you known James Alex. Forbes?

A. 8.—I have known him since September, 1849.

Q. 9.—Is there more than one man of that name in Santa Clara County?

A. 9.—I know of no other.

CROSS-EXAMINATION.

Q. 10.—How long has it been that you have entertained this bad opinion of Jas. Alex. Forbes?

A. 10.—Public opinion has given him that character ever since I knew him.

Q. 11.—Was that, in your judgment, a fair and general opinion, or was it merely the result of the rumors or private malice of the enemies of Mr. Forbes?

A. 11.—It was public opinion. I know nothing of Mr. Forbes' enemies.

Q. 12.—Was that also your own opinion from your knowledge of Mr. Forbes?

A. 12.—I formed my opinion from public rumor entirely; I never had any transactions with him.

Q. 13.—Do you own any land in Santa Clara County, and under what title do you claim?

A. 13.—I own about 420 acres of the Rancho of San Juan Bautista, granted to Agustin Narvaez. I claim under Narvaez. I bought portions of it in 1851 and 1852, and a small piece in 1857.

Q. 14.—Have you never occupied any land in the county as a settler?

A. 14.—I have not.

Q. 15.—Have you any interest in the claim now pending in this court for the pueblo lands of San José?

A. 15.—I have.

Q. 16.—Do you know that Mr. Forbes has made an affidavit in that case prejudicial to your interest as a claimant?

A. 16.—I do not of my own knowledge. I have been informed and believe that on motion for a new trial in that case, Mr. Forbes made an affidavit in support of that motion. I have never read the affidavit and don't know the contents of it; a decree had been entered in favor of the claimants, and a motion was made on the part of the United States to set aside that decree and open the case.

[It is conceded by the counsel for the claimant and the United States Attorney, that the said cause was confirmed on the 6th August, 1857. That on November 23, 1857, motion for a re-hearing was filed. That on 2d December, 1857, an order was entered setting aside the decree and granting a re-hearing.]

Q. 17.—What was the quantity of land covered by the confirmation in that case?

A. 17.—I do not know. I think about thirty square leagues.

Q. 18.—How did the parties in interest obtain title to those pueblo lands of San José?

[Question objected to by Mr. Peachy as irrelevant.]

A. 18.—By purchase at Sheriff's sale under execution, and from the city of San José.

Q. 19.—What was the amount of the execution under which the pueblo lands were sold?

[Objected to by Mr. Peachy on the ground of irrelevancy.]

A. 19.—I don't know the exact amount. It was for some twenty thousand dollars. We paid twenty-six thousand and sixty dollars at the Sheriff's sale.

Q. 20.—Has there not always been in the county strong feeling among the American settlers against Spanish grants and the witnesses that support them?

A. 20.—I think not, in bona fide grants.

Q. 21.—Were there not a good many grants in that county which were generally considered by the American settlers not to be bona fide grants?

A. 21.—There were a few.

Q. 22.—Please mention them.

A. 22.—Mrs. Bennett's claim, Galindo's claim near Santa Clara, Anto. Chabolla and the Berreyesa claim across the Coyote, I think the name is Tularcitos. Do not now remember of any others that were resisted on the grouud that they were not bona fide grants.

Q. 23.—Did your first acquaintance with Mr. Forbes commence about the time that he had the suit in Santa Clara County with Mr. Walkinshaw for the possession of the New Almaden Mine?

A. 23.—It did.

Q. 24.—Did your bad opinion of Mr. Forbes extend as far back as that time?

A. 24.—I have not said that I expressed any bad opinion of Mr. Forbes, individually, but public opinion commenced about that time, or in the spring of 1850, when he was indicted for perjury by the grand jury of Santa Clara County.

Q. 25.—Were you at that time Clerk of the Court?

A. 25.—I was.

Q. 26.—Who were the witnesses before the grand jury?

[Question objected to by Mr. Peachy as irrelevant.]

A. 26.—I do not recollect.

Q. 27.—For what perjury was he indicted and at whose instance?

A. 27.—I do not now recollect, the indictment will show. I do not know at whose instance.

Q. 28.—Was there ever a trial on that indictment?

A. 28.—There was a demurrer filed to the indictment which was sustained on account of a flaw in the indictment, and it was quashed.

Q. 29.—Was not that indictment defective because it contained no statement of the matter of which Mr. Forbes had sworn falsely?

A. 29.—I do not recollect, but I think it was because the names of the witnesses before the grand jury were not written on the back of the indictment.

Q. 30.—Was not the charge of perjury in that case brought by William Wiggins or others, interested in the Capitancillos Rancho, and the perjury alleged to have been committed by him in defending the title of this claimant, Andres Castillero, or in resisting the claimants of the Capitancillos Rancho, in some claim they were setting up to some one of those quicksilver mines adjacent to the New Almaden mines?

[Question objected to by Mr. Peachy as irrelevant, because the question states that there are mines adjacent to the Almaden mines, which is not the fact.]

A. 30.—I do not recollect who brought the charge. I know of no suit between the parties claiming under Castillero and the Capitancillos Rancho at that time, to the Capitancillos Rancho or any mines adjacent to the Almaden mines.

Q. 31.—Was not the perjury alleged to have been committed on the trial before Davis Devine, a Justice of the Peace, of a forcible entry and detainer suit between E. S. Townsend and others, against Suñol and others, in which was involved the possession of the quicksilver mine now known as the Guadalupe Mine and in which he had testified in behalf of Suñol?

A. 31.—I do not recollect any of the particulars of the charges.

DIRECT, RESUMED.

Q. 32.—Were you not examined in the case of the United States, on the 14th of April, 1857, several months before a motion to open the decree in the case referred to in Question No. 16, in this deposition, and did you not on said examination declare, substantially, what you have declared on your direct examination in this deposition; and did you not on said exam-

ination, among other things, declare that judging of Jas. Alex. Forbes' character by his reputation in the community in which he lives, you would not believe him on his oath?

A. 32.—I was examined at the time referred to. I declared substantially what I have done to-day, that I would not believe him under oath.

H. S. MELONE.

Sworn to and subscribed be foreme, August 17, 1858,

W. H. CHEVERS,
U. S. Commissioner.

DEPOSITION OF WILLIAM McCUTCHAN.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, August 17, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came William McCutchan, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. District Attorney and Edmund Randolph for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

ANSWER 1.—William McCutchan; am 41 years old, and reside in Santa Clara County.

Q. 2.—How long have you lived in Santa Clara County; how far from the village of Santa Clara, and what is your occupation?

A. 2.—Have lived in that county since 1849; about three miles from the village of Santa Clara; I am a ranchero.

Q. 3.—Do you know James Alexander Forbes of Santa Clara?

A. 3.—I do.

Q. 4.—Do you know Mr. Forbes' general reputation among his neighbors?

A. 4.—I think I do.

Q. 5.—What is his general reputation for truth and veracity?

A. 5.—It is bad.

CROSS-EXAMINED.

QUESTION 1.—Upon what ranch do you reside in Santa Clara County?

ANSWER 1.—The Rancho "Palos." It is a grant to the three brothers Bernal.

Q. 2.—How long have you known Mr. Forbes?

A. 2.—Since 1849.

Q. 3.—Is your own opinion unfavorable to Mr. Forbes' character for veracity?

A. 3.—Yes, sir.

Q. 4.—How long have you entertained that opinion?

A. 4.—Since the commencement of the Land Commission.

Q. 5.—What connection has the commencement of the Land Commission with your opinion of Mr. Forbes?

A. 5.—Rumor has it that he has been a witness in a great many of those cases, and a great deal has been said about it.

Q. 6.—On what side has he been a witness?

A. 6.—I do not recollect on what side; I think generally he has been a witness on the side of the Spanish claimants.

Q. 7.—Has it not been usual to call the old residents of the country to testify in relation to land grants, and was not Mr. Forbes a resident of the country long before the American occupation?

A. 7.—Yes, sir.

Q. 8.—Is it not your opinion that these Spanish land grants, and the witnesses who support them, have done great injury to the interests of American settlers?

[Question objected to by Mr. Peachy.]

A. 8.—I think to quite an extent.

Q. 9.—Have you been engaged in resisting any of them?

A. 9.—I have an interest in some property in our county for which there are other claimants; I claim under a Spanish grant, the Ortega grant; and I resisted the "Las Animas" and Castro grants.

Q. 10.—When did you acquire title in the Bernal grant?

A. 10.—I think about two years ago.

DIRECT, RESUMED.

Q. 11.—From your knowledge of Jas. Alexander Forbes'

character derived from his general reputation in the community in which he lives, would you believe him on his oath?

A. 11.—I would not.

WM. McCUTCHAN.

Sworn to and subscribed before me, this 17th day of August, 1858.

W. H. CHEVERS,
U. S. Commissioner.

DEPOSITION OF FELIX RANEY.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, August 18th, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Felix Raney, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for the claimant; and the United States Attorney and Edmund Randolph, for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

ANSWER 1.—Felix Raney; 56 years of age, and reside in Santa Clara County, Cal.

Q. 2.—How long have you resided in Santa Clara County?

A. 2.—Since the fall of 1850.

Q. 3.—Do you know James Alex. Forbes of the village of Santa Clara?

A. 3.—I know him by sight and reputation only.

Q. 4.—Do you know his general reputation in the community in which he lives?

A. 4.—I do.

Q. 5.—What is that reputation for truth and veracity?

A. 5.—It is bad.

Q. 6.—Judging of his character by his general reputation in that community, would you believe him on his oath?

A. 6.—I could not where there was any inducement for him to deviate from the truth.

CROSS-EXAMINATION.

Q. 7.—How long have you known about this bad opinion of Mr. Forbes?

A. 7.—Since October, 1850.

Q. 8.—Was that the date of its origin?

A. 8.—I don't know of the date of its origin, or what was the cause.

Q. 9.—How did you come to know about it in October, 1850?

A. 9.—I had some old acquaintances who had resided in Santa Clara since 1846. I went to them to learn from them whom to select as a friend to give me information about land titles, and I suggested the idea that Mr. Forbes had been in the country a long time, and was competent to the task. They said he was not a man to be depended on; that he would deceive me, and would as lief tell me a lie as the truth, and I never have yet made his acquaintance on that information; never have yet spoke to the man.

Q. 10.—Who were those friends, and where did they live?

A. 10.—They lived in the village of Santa Clara at the time. It was Mr. Fielding Lard. He was keeping stock, farming a little, and had been mining. He was ranching then at the old Indian Rancheria, two miles west of the village of Santa Clara.

Q. 11.—Was that place included in any Mexican claim?

A. 11.—It never was claimed by any Spanish claim till Mrs. Bennett's claim, in being located a little more than a year since, covered it.

Q. 12.—Have you ever occupied any land in Santa Clara County as a settler or pre-emptor?

A. 12.—I occupied a place one-half mile south of Santa Clara. It was known as Mission land, and believe it is still so known.

Q. 13.—Has nobody ever claimed that land under an alleged Spanish grant?

A. 13.—I think the Galindo claimants perhaps claim that land. I don't think the testimony in the case would include that land in the Galindo Grant.

Q. 14.—Have not the Galindo claimants, or their agents, offered to sell that land?

A. 14.—I think they have; have been told so.

Q. 15.—When did you settle on that land?

A. 15.—In October, 1850.

Q. 16.—Is not Mr. Forbes the son-in-law of Galindo, who it is alleged obtained a grant for that land?

A. 16.—He is known as such.

Q. 17.—Have you ever heard any thing of this indictment that these other witnesses have testified about?

A. 17.—It had slipped my memory if I did hear any thing about it.

Q. 18.—Has there not been much feeling among the settlers on the so-called Galindo Grant against the grant?

A. 18.—There has been a good deal.

Q. 19.—Was this opinion of Mr. Forbes, which you have expressed, universal in the community so long as you have known it, or was there a difference of opinion?

A. 19.—There were a few persons, a year or two back, who thought that public opinion had done him injustice. That it is universal, I cannot say that.

Q. 20.—Is Mr. Forbes a man much liked in that community?

A. 20.—Not by the American people. I think he is very unpopular. He is not liked by the Anglo-Saxons, by neither Americans or English.

Q. 21.—Have you ever heard any remarks about his not paying his debts?

A. 21.—I have heard a great deal of complaint about his not paying his debts.

DIRECT EXAMINATION RESUMED.

Q. 22.—Since you first knew Mr. Forbes, has his reputation for veracity grown better or worse?

A. 22.—It has grown worse.

Q. 23.—You have said you have heard complaints about Mr. Forbes not paying his debts. Please to state his general reputation for honesty in the conduct of his business affairs.

[Objected to by U. S. Attorney: Testimony as to the honesty or dishonesty of a witness being clearly inadmissible in an issue as to his reputation for veracity.]

[The U. S. District Attorney objects to the witness answering the question, and moves the Commissioner to adjourn until to-morrow morning for the decision of the Court; which motion the counsel for the claimant opposes upon the ground that the witness has been brought from a distance, and is very desirous of returning to his home, and requests the Commissioner to take down the answer of the witness subject to the ruling of the Court.]

[In reply, the U. S. Attorney insists upon the application of

legal principles, which in this case must overrule the request of counsel, and the convenience of the witness.]

[Mr. Peachy requests the Commissioner to adjourn until some time this evening, to obtain a ruling of the Court in order that the examination may be finished to-night.]

[The U. S. Attorney objects, because if the Court should rule that the question be admissible, it opens a new train of examination, which it will be impossible to close to-night; and besides, because he has been engaged continuously in taking depositions since 11 o'clock, A. M., and there is other pressing business of the government equally entitled to his attention, which requires it to-night.]

The Commissioner decides to adjourn until to-morrow, at 11 o'clock, A. M.

FELIX RANEY.

Sworn to and subscribed before me, August 18, 1858.

W. H. CHEVERS,
U. S. Commissioner.

—

5 o'clock and 20 min., P. M.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

August 19, 1858, 11 o'clock, A. M.

Examination resumed from yesterday.

Present: A. C. Peachy, for claimant; and the U. S. District Attorney.

Mr. Peachy withdraws Question 23. Examination closed.

FELIX RANEY.

Sworn to and subscribed before me, August 19, 1858.

W. H. CHEVERS,
U. S. Commissioner.

DEPOSITION OF ASA VESTAL.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, August 18, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Asa Vestal, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the United States Attorney and Edmund Randolph for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age and place of residence?

ANSWER 1.—Asa Vestal; am 57 years and upwards, and reside in San José, Santa Clara County.

Q. 2.—How long have you resided in Santa Clara County?

A. 2.—Since 6th August, 1850.

Q. 3.—Do you know James Alex. Forbes of the village of Santa Clara?

A. 3.—I do, sir, pretty well.

Q. 4.—Do you know his general reputation in the community in which he lives?

A. 4.—Yes, sir, pretty well.

Q. 5.—What is his reputation in that community for truth and veracity?

A. 5.—It is not good, sir.

Q. 6.—Judging of his character by his general reputation in that community, would you believe him on his oath?

A. 6.—Not where he was interested.

CROSS-EXAMINATION.

Q. 7.—Did you hear the testimony of W. L. Smith on yesterday?

A. 7.—A great part of it, I did. I was present in the room, but don't know that I heard every word.

Q. 8.—Are you not one of the parties in interest associated with W. L. Smith in the pueblo land claim, of which he testified?

A. 8.—I have recently bought a small interest in that claim for the purpose of protecting my property.

Q. 9.—Do you mean that you have taken a deed from the associated speculators for your own property only, or that you bought an interest in the whole operation?

A. 9.—At sheriff's sale I bought an interest in the whole property, intending to secure my own property. The property was sold in a suit of myself against William R. Bassham. After all other property that I had levied on was sold, there was about two thousand three hundred dollars yet due, and this interest of Bassham in the pueblo claim, was the only thing that I expected to get any thing from.

Q. 10.—Have you not heard and believe, that J. A. Forbes has done an injury to your interests in that matter by making an affidavit in support of a motion in behalf of the United States in which a decree of confirmation that had been rendered in favor of your claim was set aside, and the case re-opened for further proceedings?

A. 10.—I never knew until yesterday that Mr. Forbes had made an affidavit in that case; I had never thought of such a thing; I learned it yesterday when Mr. Smith was giving his deposition. I have never kept myself posted with regard to the history, and look upon the claim as nearly worthless.

Q. 11.—Have you ever been what is known as a settler?

A. 11.—I bought my land when I came to this country at the moderate price of one hundred dollars per acre, and have never squatted on one quarter of an inch of land in this country or any other.

Q. 12.—Since you have resided in Santa Clara County, has there not been a very unfriendly feeling among the American immigrants towards Spanish grants, and the old residents of the country, who have been the principal witnesses to support them?

A. 12.—Agreeable to my acquaintance with the American people, they have been divided on that subject. There are two parties. One has been in favor of what is called squatterdom, and the other was opposed to it. I think the squatter class the most numerous, and unfriendly to Spanish grants, and their witnesses.

Q. 13.—Has not Mr. Forbes resided a long time in this country, and in various ways been very active in establishing these old Spanish grants, and if yea, may not this circumstance have contributed very much to create the unfriendly feeling and

unfavorable opinion which you say have existed towards him among the American immigrants in Santa Clara County?

A. 13.—He has resided here a great many years, as I have understood. I have also understood that he has been very active in establishing old Spanish grants. I do not think these two circumstances would have any bearing on his character with regard to truth and veracity. It might render him unpopular with regard to sociability among his neighbors or acquaintances.

Q. 14.—When people find themselves deprived of their homes and property by the testimony of a man, do you not think it natural for them to conceive a very bad opinion of his character for truth and veracity?

A. 14.—If a man has squatted on another man's land, and a court of justice takes it from him, and gives it to the proper owner, a correct thinking man ought not to think hard of any witness in the case.

Q. 15.—Has there not been a great deal of hard feeling among the people of Santa Clara County towards one another during the last few years? Have they not been greatly cut up into hostile cliques, and sets or parties?

A. 15.—In political affairs they have a good deal. There has been some hard feeling between these two parties of Americans, one in favor of squatting on the land, and the other opposed to it.

Q. 16.—Has there not been also a great deal in private affairs not relating to squatting or politics?

A. 16.—I think we believe that we have as good a community in our county with regard to friendship and sociability as the State can boast of.

Q. 17.—Is it not understood that Mr. Forbes was born a British subject, and in former times held the office of British Consul in California. Is he not a man of unsocial disposition, who appears to think himself better than his neighbors, and do you not know that these circumstances have tended to render him unpopular among the American inhabitants of Santa Clara County?

A. 17.—I learned he was an Englishman when I first became acquainted with him. With regard to the office he has held heretofore, I knew nothing of it until yesterday when Mr. Smith was being examined. I would say that his general deportment was that of a man who was unsocial, and thought himself better than his neighbors. As to his treatment to me, he has always treated me with as much respect as I could ask. I have no unfriendly feelings towards Mr. Forbes an an individual. It is my opinion that these circumstances would render

him unpopular with a great many of the American inhabitants of that county.

Q. 18.—When did you first hear the expression of opinions unfavorable to Mr. Forbe's character for veracity?

A. 18.—Not many months after coming to this country I saw him arraigned for perjury in a court of justice, and I learned that he got shut of the matter by some informality in the bill of indictment.

Q. 19.—What was that informality?

A. 19.—I don't know.

Q. 20.—With what perjury was he charged in the bill of indictment?

A. 20.—I don't know; I was a stranger in the country.

Q. 21.—At whose instance was that indictment found, and who were the witnesses before the grand jury?

A. 21.—I do not know, sir.

Q. 22.—Was there ever a trial upon that indictment before a petit jury?

A. 22.—A trial was called, and when the indictment was laid down, (I was in the court-house at the time,) before the Judge, I learned in consequence of this informality or wrong in the indictment the cause was dismissed.

Q. 23.—Was there ever at any time any public examination into the facts alleged against Mr. Forbes?

A. 23.—I don't know; not to my knowledge.

Q. 24.—Did not the mere fact of the finding of this indictment create in your own mind an unfavorable opinion of Mr. Forbes?

A. 24.—It put me on my guard and watch of the man. It did create an unfavorable opinion of him in my mind. This was the beginning of my unfavorable opinion of him. It might have worn off but for things that have happened since.

Q. 25.—Have you not heard that indictment spoken of by others?

A. 25.—I have sir, frequently. In conversation with the community, as one man will speak of another, they speak of that case, the will cases, and several other cases in which Mr. Forbes has sworn wrong.

Q. 26.—What were the other cases?

A. 26.—I don't know that I can point out the other cases, Spanish names I cannot reccollect well. I am not familiar with law matters, nor posted up in regard to the business of courts. My business is on my farm.

Q. 27.—Have you never heard of perfectly innocent men being indicted by a grand jury, and of this having been done through the procurement of private enemies?

[Objected to by Mr. Peachy as being irrelevant, and being inapplicable to Mr. Forbes.]

A. 27.—I have known men to be indicted by a grand jury, and when it come before a trial jury, the facts were failed to be established.

Q. 28.—Is Mr. Forbes generally considered to be a popular or unpopular man in his neighborhood?

A. 28.—I think he is unpopular, sir.

Q. 29.—Is he any way in debt, and has he paid his debts?

A. 29.—I have heard some of the men say who had built his mill, that he owed them considerable sums, and they cursed him pretty hard because they could not get their pay.

DIRECT EXAMINATION RESUMED.

Q. 30.—Were you not examined in the case of the United States *v.* Charles Fossat, as a witness for the United States, some time in the month of April, 1857.

A. 30.—I was examined some time last year, in the spring.

Q. 31.—On the occasion of that examination did you not substantially testify as you have done on your direct examination in this deposition?

A. 31.—I did.

Q. 32.—At that time had you purchased Bassham's interest in the pueblo claim?

A. 32.—I had not.

Q. 33.—Did you then have any interest in the pueblo claim?

A. 33.—None at all.

Q. 34.—Since the indictment was found against Mr. Forbes in 1850, or 1851, has there been any reaction in public opinion in favor of Mr. Forbes' character for veracity, or has his reputation in that particular continued from year to year to grow worse?

[Objected to by the U. S. Attorney, as leading, and indicating the desired answer.]

A. 34.—I would say it has continued to grow from bad to worse, from my knowledge of public opinion on the subject, which is pretty considerable.

CROSS-EXAMINATION RESUMED.

Q. 35.—Was this feeling against Mr. Forbes universal throughout the community, or was there a difference of opinion on the subject?

A. 35.—So far as my knowledge is concerned, it was universal. There might have been a difference of opinion, but it was not talked to me.

Q. 36.—On your examination in April, 1857, in the Fossat case, who conducted the examination for the United States?
A. 36.—Mr. Peachy, I think.

ASA VESTAL.

Sworn to and subscribed, August 18, 1858, before me,
W. H. CHEVERS,
U. S. Commissioner.

DEPOSITION OF ISAAC BRANHAM.

U. S. DISTRICT COURT,
Northern District of Cal.

UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, Aug. 19, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Isaac Branham, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: Mr. Peachy for claimant; and the U. S. District Attorney.

QUESTION 1.—(By claimant's counsel)—What is your name, age and place of residence?

ANSWER 1.—Isaac Branham; 55 years of age and reside in Santa Clara County. Have resided there since the fall of 1846.

Q. 2.—Do you know James Alex. Forbes of the county of Santa Clara?

A. 2.—I do. I have know him since the fall of 1846.

Q. 3.—Do you know his reputation in the community in which he lives?

A. 3.—I do.

Q. 4.—What is his reputation for truth and veracity in that community?

A. 4.—Bad.

Q. 5.—Judging of his character by his reputation, would you believe him on his oath?

A. 5.—I would not, sir.

CROSS-EXAMINATION.

Q. 6.—How long have you known Mr. Forbes?

A. 6.—Since the fall of 1846.

Q. 7.—How long has this bad opinion of him been entertained by the community?

A. 7.—So far as my acquaintance with him is concerned, it commenced about that time.

Q. 8.—Did you have any difference with him yourself?

A. 8.—None.

Q. 9.—Have you ever had any connection with the New Almaden Mine?

A. 9.—None.

Q. 10.—Did you ever make any examinations with reference to that mine?

A. 10.—I did.

Q. 11.—Please state the circumstances.

A. 11.—Somewhere in the spring of 1847, in company with Capt. Fisher, now dead, and I think José Fernandez, we went to measure the depth and width of the mine at the request of Josiah Belden. We found there an Indian; I think we made the depth of the hole about eighteen feet. Don't recollect the width. Don't think there was much difference between the depth and width. A memorandum was made which I suppose I signed. I presume it was in Spanish as Fernandez made it out. Don't know where that memorandum is now. Have not seen it since.

[Mr. Peachy objects to the foregoing question and answer, upon the ground of irrelevancy.]

Q. 12.—You have said that you went at the request of Belden, what did he have to do with the matter?

[Question objected to by Mr. Peachy, who also objects to the answer of the witness being put down. Whereupon the Commissioner decides that he will refer the question raised in the objection to the Court for its ruling.]

[Mr. Peachy here moves the Commissioner to close the deposition on the ground that the District Attorney refuses to ask any more questions.]

[At this point Mr. Peachy requests the Commissioner to strike out the foregoing motion, he withdrawing the same.]

[The counsel for the claimant moves the Commissioner to inquire of the U. S. District Attorney whether he will not proceed to the examination of this witness on some matter independent of the answer which the witness may give to the fore-

going question, if he have any such matter to inquire about, and he makes this motion for the reason that the witness has come from a distance and is very desirous of returning to his home and business, which he says is pressing, and because the U. S. District Attorney has declined putting any further question to the witness, since the last ruling of the Commissioner, made a half hour since.]

[The Commissioner makes the request as desired, and the District Attorney declines to answer.]

[The counsel for the claimant moves the Commissioner to close this deposition for the reason that the District Attorney has left the room, having neither asked for an adjournment nor proceeded with the cross-examination.]

[The Commissioner refuses the motion, to which refusal counsel for claimant excepts.]

The examination is hereby adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, August 20, 1858.

CROSS-EXAMINATION RESUMED FROM YESTERDAY.

Present: Mr. Peachy for claimant; and the U. S. District Attorney and Mr. Randolph, for the United States.

[Question objected to by Mr. Peachy for the further reason that it is not competent to prove by this witness what Mr. Belden went there for.]

A. 12.—As I understood, he aimed to get possession of the mine, from the fact that the denouncements had not been carried out according to the Mexican law.

Q. 13.—Did you not go by the order of Mr. Burton, the Alcalde?

A. 13.—I don't recollect, but my impression is that it was.

[Mr. Peachy objects to foregoing question and answer, as attempting to prove the existence and contents of an order of court by parol testimony, and as irrelevant.]

Q. 14.—On whose land did Mr. Belden claim that the mine was situated?

[Question objected to by claimant's counsel on the ground of irrelevancy, and because it is incompetent to prove title in Mr. Belden by parol testimony.]

A. 14.—My understanding was that he claimed the mine as being on the land of Grove C. Cook, by lease from him or somebody.

[Mr. Peachy objects to the foregoing answer as introducing irrelevant matter, and because the United States cannot prove a lease from Grove C. Cook to Josiah Belden, by parol testimony.]

Q. 15.—What was that Indian doing at the mine?

[Question objected to by Mr. Peachy on the ground of irrelevancy.]

A. 15.—I did not see him doing anything.

Q. 16.—Was there any machinery at the mine?

A. 16.—I saw a crowbar there. Don't know that it would be called machinery.

[Mr. Peachy objects to foregoing question and answer on the ground of irrelevancy.]

Q. 17.—What evidence, if any, did you see of the mine having recently been worked?

[Question objected to as irrelevant.]

A. 17.—I saw some of the quicksilver ore that was broke off, in the hole, and some outside. Can't say how long it had been done.

Q. 18.—Was there any inclosure round about the mine?

[Objected to for the same reason as before.]

A. 18.—I saw no fencing that I recollect of; I saw a cabin close by.

Q. 19.—How far was that cabin from the mine; was it occupied, if so, by whom?

[Objected to for same reason as before.]

A. 19.—Can't say the exact distance. I suppose about one hundred yards. I was not in it, did not see any one in it.

Q. 20.—Upon the whole, then, it was a very lonesome, solitary place, was it not?

[Objected to for same reason.]

A. 20.—It was.

Q. 21.—Have you at any time before or after that visit, in the years 1846 or 1847, visited that mine?

A. 21.—I don't think I have. May have done so, but don't now recollect that I did.

Q. 22.—Since you have lived in Santa Clara, has there not been a great deal of hard feeling among the American settlers against the claimants under Spanish grants and the old residents who have been called as witnesses to establish them?

A. 22.—I don't think there has, as a general thing.

Q. 23.—Is not Mr. Forbes generally considered a man of offensive manners, and is he not unpopular among his neighbors?

A. 23.—I think he is.

Q. 24.—May not his unpopularity and the fact of his being a British subject, and in former times having held the office of British Consul in California, and his having been so many years identified with the native population have contributed to create the unfavorable opinion entertained towards him by the American settlers?

A. 24.—The foregoing facts may have contributed a small degree of prejudice, but would not of themselves have been sufficient to create the feeling there is now against him.

Q. 25.—Are you not one of the parties in interest in what is known as the pueblo claim?

A. 25.—I am.

Q. 26.—Has not Mr. Forbes in that case made an affidavit unfavorable to your interests?

A. 26.—He has; but that has no control or influence over me as regards my opinion of him. I was a witness in behalf of the United States, in the case of the United States against Charles Fossat, in April, 1857, some months before the affidavit of Mr. Forbes was filed, and I then testified substantially as I have done in my direct examination in this deposition.

ISAAC BRANHAM.

Sworn to and subscribed, August 20, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

DEPOSITION OF F. LEWIS.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, August 46, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came F. Lewis, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: Mr. Peachy, for claimant; and the U. S. Attorney and Mr. Randolph, for the United States.

QUESTION 1.—(By claimant's counsel)—What is your name, age and place of residence?

ANSWER 1.—F. Lewis; about 30 years of age; reside in Santa Cruz County. Have resided there over a year.

Q. 2.—Did you ever live in Santa Clara County; if yea, how long?

A. 2.—I have. From January, 1853, until March, 1857.

Q. 3.—What was your occupation in Santa Clara County?

A. 3.—From about August, 1853, to some time in the winter of 1856, I was Deputy County Recorder.

Q. 4.—Do you know Jas. Alex. Forbes of Santa Clara; how long have you known him, and do you know his general reputation in the community in which he lives?

A. 4.—I have had a slight acquaintance with him since the fall of 1853. I have often heard his reputation spoken of.

Q. 5.—What is his general reputation for truth and veracity?

A. 5.—I should say it is bad.

Q. 6.—Judging of Mr. Forbes by his general reputation for truth and veracity, would you believe him on his oath?

A. 6.—I would not.

CROSS-EXAMINATION.

Q. 7.—How long since, has Mr. Forbes had this reputation?

A. 7.—From the first time I heard him spoken of, I heard

of him that he was a man not scrupulous as to the means he took to attain a desired end.

Q. 8.—Do you know of any circumstance which gave rise to that impression?

A. 8.—I have heard that he had been indicted for perjury by a grand jury, and that the indictment was quashed for some informality. Don't know what case it was in. It was before I came to the country. Also his testimony in the Peralta Will case, was often spoken of.

Q. 9.—Since you have been acquainted with Santa Clara County, has there not existed among the American settlers a very unfriendly feeling against the Spanish grants, and the old residents who have testified in their favor?

A. 9.—I never have known of any such feeling except among the pre-emptors.

Q. 10.—Has not Mr. Forbes been very active in one way or another in establishing Spanish grants?

A. 10.—He has been in some, I have heard. Do not know it to be the fact.

Q. 11.—May not his being a British subject by birth, his having formerly held the office of British Consul in California, his identification with the old inhabitants of the country, his offensive manners and his general unpopularity, have contributed to create the unfavorable opinion of him which exists among the American settlers?

A. 11.—So far as his being a British subject and his having been Consul is concerned, I think those facts would not tend to render him unpopular with the American people of that county.

His manners might render him unpopular in some respects.

The fact of his identification with the old inhabitants of the country, would not, of itself, render him unpopular with the American settlers. Some of the most popular men in the county are as fully identified with the old inhabitants as is Mr. Forbes.

F. LEWIS.

Sworn to and subscribed, August, 20, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

DEPOSITION OF THOMAS CAMPBELL.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, August 20th, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Thomas Campbell, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for the claimant; and the United States Attorney and Edmund Randolph, for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

ANSWER 1.—Thomas Campbell; 41 years; reside in San José, Santa Clara County, and have resided there since May or June, 1847.

Q. 2.—Do you know James Alex. Forbes, of Santa Clara?

A. 2.—I do.

Q. 3.—Do you know his general reputation in the community in which he lives?

A. 3.—I do.

Q. 4.—What is that reputation for truth and veracity?

A. 4.—It is bad.

Q. 5.—Judging of Mr. Forbes by that reputation, would you believe him on his oath?

A. 6.—I would not, sir.

CROSS-EXAMINATION.

Q. 6.—How long since Mr. Forbes has had that reputation?

A. 6.—If I recollect right, as early as 1847.

Q. 7.—Do you know of any circumstance which gave rise to that impression?

A. 7.—Nothing very particular. I have heard him spoken of as a man whose word could not be relied upon. This was as early as 1847.

Q. 8.—Do you know of any thing that has happened since

1847, upon which people have rested their opinions that he was not to be believed on his oath?

A. 8.—One case that I recollect of; "The Peralta Will Case."

Q. 9.—Since you have lived in Santa Clara County, has there not existed among the American settlers a very unfriendly feeling against the Spanish grants, and the old residents who have testified in their favor?

A. 9.—I cannot say to any great extent; there may be some.

Q. 10.—Has not Mr. Forbes been very active in one way or another in establishing Spanish grants?

A. 10.—I am not aware that he has been engaged in very many of those grants, or claims.

Q. 11.—May not his being a British subject by birth, his having formerly held the office of British Consul in California, his identification with the old inhabitants of the country, his offensive manners and his general unpopularity have contributed to create the unfavorable opinion of him which exists among the American settlers?

A. 11.—So far as his being a British subject and his having been Consul is concerned, I think those facts would not tend to render him unpopular with the American people of that county. His offensive manners might render him unpopular in some respects. The fact of his identification with the old inhabitants of the country, would not of itself render him unpopular with the American settlers.

THOMAS CAMPBELL.

Sworn to and subscribed, August 20, 1858, before me,

W. H. CHEVERS,
U. S. Commissioner.

DEPOSITION OF L. C. BOSTICK.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, August 20, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came L. C. Bostick, a witness produced on behalf of the claimant in Case No. 420, being an

appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in Case No. 366, on the docket of said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and the U. S. Attorney and E. Randolph, for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age, and place of residence?

ANSWER 1.—Leslie C. Bostick; am 49 years of age; reside in Santa Clara County; have resided there since Feb. 1850.

Q. 2.—Are you acquainted with Ja's Alex. Forbes, of Santa Clara?

A. 2.—I have no acquaintance with him; know him when I see him.

Q. 3.—Do you know his general reputation in the community in which he lives?

A. 3.—I do.

Q. 4.—What is that reputation for truth and veracity?

A. 4.—It is bad.

Q. 5.—Judging of Mr. Forbes' character by his reputation, would you believe him on his oath?

A. 5.—I would not where he was interested.

CROSS-EXAMINATION.

Q. 6.—How long have you known that Mr. Forbes has borne this bad reputation?

A. 6.—Some four or five years. When I first heard of it, it was from rumor. After that I was present when Mr. Forbes gave testimony in the Peralta Will case—the same that was referred to Mr. Smith in his deposition.

Q. 7.—Since you have lived in Santa Clara County, have there not been a great many divisions among the people, and particularly has there not existed a very unfriendly feeling among the American settlers against Spanish grants, and the old residents who have been witnesses in support of them?

A. 7.—There has been an unfriendly feeling among the settlers in reference to the Spanish grants, but I don't believe that the Americans generally entertain unfriendly feeling against the old Spanish settlers.

Q. 8.—Has not Mr. Forbes in one way or another been very active in sustaining Spanish grants?

A. 8.—I cannot say, sir.

Q. 9.—Is not Mr. Forbes an unpopular man among the Americans?

A. 9.—He is.

Q. 10.—May not his being a British subject by birth, his having formerly held the office of British Consul for California, his identification with the old inhabitants of the country, his offensive manners and his general unpopularity have contributed to create the unfavorable opinion of him which exists among the American settlers?

A. 10.—So far as his being a British subject and his having been Consul, I don't think these facts would cause the Americans to dislike him. His offensive manners, but not his identification with the old inhabitants, in my opinion, tend to make him unpopular with the Americans.

L. C. BOSTICK.

Sworn to and subscribed before me, this 20th day of August, 1858.

W. H. CHEVERS,
U. S. Commissioner.

Filed, August 17, 1858.

W. H. CHEVERS, Clerk.

DEPOSITION OF MANUEL COUTO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, October 18, 1858.

On this day, before W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Manuel Couto, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter:

Present: Mr. Peachy, for claimant; and the District Attorney and Mr. Randolph for the United States.

QUESTION 1.—(By claimant's counsel.)—What is your name, age and place of residence?

ANSWER 1.—Manuel Couto; am 40 years of age, and reside in the city of Mexico.

Q. 2.—What public office do you hold in the city of Mexico?

A. 2.—Secretary of the Administracion del Fondo de Mineria.

Q. 3.—Did you ever hold any office in the Junta de Fomento y Administracion de Mineria, in the city of Mexico? If yea, state when you were appointed, and what offices you have held.

A. 3.—I have; I was first employed in 1844 as a Clerk, and so continued until 1848, when I was appointed an *oficial.* I continued as an *oficial* until 1852, at which time I was appointed Secretary, and have so continued up to this time.

Q. 4.—At whose request did you come from the city of Mexico to this place?

A. 4.—At the request of the person who has charge of the affairs of Don Eustachio Barron in Mexico.

Q. 5.—What salary is attached to your office in Mexico?

A. 5.—Sixteen hundred dollars per annum.

Q. 6.—During your absence from Mexico do you receive your salary?

A. 6.—No, sir.

Q. 7.—When did you leave Mexico?

A. 7.—On the 6th of last August.

Q. 8.—How much were you paid by Mr. Barron for coming from the city of Mexico to the city of San Francisco to give your testimony?

A. 8.—Four thousand dollars.

Q. 9.—Have you been paid that sum?

A. 9.—Yes, sir. It has been paid to me in full.

Q. 10.—Who was President and who *Vocales* of the Junta de Fomento in the year 1846?

A. 10.—Don Vicente Segura was President in 1846. The *Vocales* were José Maria Bassoco, and José del Motte.

Q. 11.—Are you acquainted with the handwriting of Vicente Segura and his signature?

A. 11.—Yes, sir, because I see him write and sign every day.

Q. 12.—Name all the persons in the service of the Junta de Fomento in the year 1846.

A. 12.—The Secretary was Josè Maria Castera; the Chief Clerk was Ysidro Rafael Gondra; another Clerk was Josè Maria Cauchola. The first Escribiente (writer) was myself. There was an assistant writer, (escribiente) in that year named Saavedra. Those were all the persons employed in the Secretary's office.

Q. 13.—Are you acquainted with the handwriting and signature of Gondra, and of the others mentioned?

A. 13.—I am; because I was employed with them in the Secretary's office in the dispatch of business.

Q. 14.—In what year was Vicente Segura appointed a member of the Junta de Fomento, and by whom was he nominated?

A. 14.—In the year 1842, I think it was, that the Junta de Fomento was established by a law passed that year. Vicente Segura was appointed by the government a member of the Junta under this law. For a long time before 1842, he, Segura, had been Contador de Mineria.

Q. 15.—Who was Minister of Justice in the month of May, 1846?

A. 15.—Becerra.

Q. 16.—Were you acquainted with him, and did you know his handwriting and signature?

A. 16.—I was; and know his handwriting and signature, because I have seen him write and sign, and because it was through his office that the Junta communicated with the (*gobierno*) government.

Q. 17.—Look at the document now shown you, being Exhibit "G." annexed to defendant's answer in the case of the United States *v.* John Parrott, et als., in the U. S. Circuit Court for the Districts of California, and say if you know the same to be a copy of an expediente existing in the archives of the *Junta de Fomento de Mineria*, and if you have compared the said copy with its original.

A. 17.—I know it to be a copy of an expediente existing in the archives of the Administracion del Fondo de Mineria. This is the same office which was formerly called the office of the Junta de Fomento. The archives are the same but the name of the office has been changed.

Q. 18.—How was the comparison made?

A. 18.—I compared it by reading it while the original was being read by another Clerk, and then reading the original while he read the copy.

Q. 19.—Is that copy a full and accurate copy of the original?

A. 19.—Yes, sir.

Q. 20.—Examine that copy, and state if you can, in whose handwriting are the originals of the various documents there appearing copied.

A. 20.—This first indorsement (*caratula*) is in the handwriting of Ysidro Rafael Gondra. The first page marked with red ink, Number 1, is in the handwriting of the same person. The 2d, 3d, and 4th pages, marked 2, 3, and 4, in red ink, I don't know the handwriting of. They are copies of two letters presented by Don Tomas Ramon del Moral when he presented to the Junta specimens of the ore of cinnabar and quicksilver. The handwriting on pages marked 5, 6 and 7, in red ink, excepting the marginal notes on page 5, I do not know, because

it was written by some person in the office of *Direccion del Colegio Nacional de Mineria.* The first marginal note is written and signed by Vicente Segura. Second marginal note is in the handwriting of the same Gondra.

The original document, a copy of which appears on pages 5, 6 and 7, in red ink, is signed by Josè Maria Tornel; I know Tornel's signature because he was Director of the College. I have had business with him, and have seen him sign. His signature to the original is genuine. The handwriting in the original document, copy of which appears on pages 8 and 9, numbered in red ink, is that of the same Gondra.

The original of the document which appears on page numbered 10, in red ink, I do not know the handwriting of, but I know the signature. It is the signature of Becerra, Minister of Justice, the same of whom I have already spoken.

The original of the document which appears on pages numbered from 11 to 18, (both inclusive,) in red ink, is in the handwriting of Saavedra, before mentioned, except the marginal note on page 11, and the corrections and interlineations, which are in the handwriting of the said Gondra. I don't know the handwriting of the original of a document a copy of which appears on pages numbered, in red ink, from 19 to 22, both included. It was taken by Castillero to have a clean copy of it made.

The original of the signature, a copy of which appears on page 22, is the signature of the same Gondra. The original of the copy which appears on pages numbered in red ink, 23 and 24, bears the genuine signature of the said Becerra. The handwriting of the body of the document, I do not know. The signatures to the certificates signed Manuel Couto, Vicente Segura and J. Miguel Arroyo, I know to be the genuine signatures of those persons; the first is my own. The first two certificates are in the handwriting of a person named Antonio Vallejo.

Q. 21.—Look at the document now shown you, marked "Exhibit H." annexed to defendant's answer in the above named suit, and say if you have compared the same with its original, and where its original exists, how you made the comparison, and whether the same is an accurate and full copy of the original.

A. 21.—I know the original, of which this is a copy. The originals exist in the office of *Direccion del Colegio, Nacional de Mineria.* I saw these copies compared with the originals. The agent of Mr. Barron read the originals, while Mr. Brodie read these copies; and then Mr. Brodie read the originals, while the agent of Mr. Barron read these copies. The agent's name is Mr. Pardo, a lawyer.

Q. 22.—State, if you can, in whose handwriting are the original documents, copies of which appear in "Exhibit H."

A. 22.—The handwriting of the document, a copy of which appears on pages numbered in red ink 1 and 2, is in my handwriting, with the exception of the signature and note on the margin. The signatures to the document itself are those of Vicente Segura and the same Gondra. The handwriting of the marginal note I do not know, but I know the signature thereto; it is the signature of the same Tornel. The document, a copy of which appears numbered in red ink 3 and 4, I do not know the handwriting of; but the signature to it is the signature of the same Gondra. The handwriting of the document, a copy of which appears on pages 5 and 6, I do not know; but the signature to it is the signature of the same Gondra. The signatures to the certificates, signed "Joaquin Velazquez de Leon," "J. Miguel Arroyo," I know to be genuine signatures.

Q. 23.—Look at the document now shown you, being Exhibit I. annexed to defendant's answer in the above named suit. State if you have compared it with the original expediente, how the comparison was made, where the original exists, and if this is a full and accurate copy of the original.

A. 23.—I did not compare it myself; but I was present, and saw it compared with the original expediente, by Mr. Brodie and Mr. Pardo, the lawyer. They compared it in this way, the same as I have described with regard to Exhibit H.

Q. 24.—State in whose handwriting are the original documents, copies of which appear in this Exhibit I.

A. 24.—The document, copy of which appears on page numbered in red ink 1, I don't know the handwriting of. The document, copy of which appears on pages numbered in red ink 2 and 5, both included, is all in my handwriting, excepting the marginal note commencing on page 2 and ending on page 3. The first marginal note on page 2, down to the word "Mayo," and exclusive of that word, is in my handwriting. The signatures on page 5 are those of the said Segura and Gondra. The handwriting of the document, copy of which appears on pages numbered in red ink, 6, 7 and 8, I don't know; but the signature to it is of the said Gondra. The handwriting of the document, copy of which appears on page numbered in red ink 9, I do not know. The handwriting of the document, copy of which appears on pages numbered in red ink, 10, 11, 12, 13, 14, 15 and 16, is in the handwriting of the aforesaid Saavedra, excepting the second marginal note, beginning on page 10, with the words "Mayo 20, 1846," and ending on the next page. The signature to it, on page 16, is that of the

said Segura. I don't know the handwriting of the second marginal note; but the rubric to it I know; it is that of Becerra. The document, copy of which appears on pages numbered in red ink, 17, 18, 19, 20, 21, 22, is in my handwriting. The signature to it is that of Andres Castillero. The handwriting of the document or minutes, copy of which appears on pages numbered in red ink 23 and 24, I do not know. The certificate appearing over the signature of J. Miguel Arroyo, I do not know the handwriting of; but Arroyo's signature thereto is genuine.

Q. 25.—How do you know the signature of Andres Castillero, appearing on the original document, of which pages 17 to 22, both included, contain a copy, to be his genuine signature?

A. 25.—Because I saw him sign it.

Q. 26.—Where did Castillero sign that document?

A. 26.—In the office of the Junta de Fomento.

Q. 27.—When did he sign it?

A. 27.—On the day of its date, 12th May, 1846.

Q. 28.—How came this original document to be written by yourself?

A. 28.—Because he gave me the draft of it, in order that I might make a clean copy of it; and I, being a clerk in the office at the time, did make a clean copy of it.

Q. 29.—Look at pages 10 and 11 of this Exhibit I. and state whether you examined particularly the original of the marginal decree or *acuerdo* thereon copied, and if you did, whether you examined particularly the rubric affixed to the said decree, and whether you can say now, from your recollection of the original rubric, whose it is. I mean, at the time of the comparison by Brodie and Pardo, of which you spoke.

A. 29.—I saw the original rubric; I am certain it is the rubric of the Ministro Becerra.

Q. 30.—What is the object and use of the first marginal note, appearing on page 10, of Exhibit I.?

A. 30.—It is called a *Membrete*. It is an epitome of the contents of the document. It is put on in the office from which the document emanates. It is put on for the convenience of the Minister, so that he may not have to read the whole document.

Q. 31.—Is it usual to put on such marginal notes to communications sent from one pueblo office to another; I mean is that the practice in the pueblo offices in Mexico?

A. 31.—It was usual to make such marginal notes. The government had expressly ordered that it should be done in order to facilitate business.

Q. 32.—Now look on the 2d marginal note beginning on

page 10, and state what is its object and purpose, and whether in all the public offices in Mexico, it is the usual practice to make such notes.

A. 32.—The object of this 2d marginal note, is to express the conclusion at which the President had arrived after consultation with the Minister. It is the decree of the President. It is addressed to the proper office, in order that it may be complied with. It is usual; it is the custom in Mexico to make such decrees in this way. I don't mean that such a decree is itself sent to any other office by the Minister. I mean that the Minister hands it to the proper Clerk in his own office, to have it complied with, or carried out.

Q. 33.—Examine the document now shown you, marked Exhibit K. annexed to the defendant's answer in said suit. State whether you compared it, and how, with its original.

A. 33.—It was compared with the original in my presence by Mr. Brodie and Pardo.

Q. 34.—Are you acquainted with the handwriting and signatures in the original document, copies of which appear in this Exhibit K.?

A. 34.—I am acquainted with the originals, but I do not know the handwriting, nor any of the signatures except two.

Q. 35.—In whose handwriting is the original expediente?

A. 35.—I do not know any of the handwriting or signatures in the original expediente, except two signatures that I do know. They are the signatures of Andres Castillero and Becerra.

Q. 36.—When did you first become acquainted with Andres Castillero?

A. 36.—In May, 1846, in Mexico, when he signed the document referred to.

Q. 37.—Do you remember when and in what manner the *Junta de Fomento de Mineria* was first made acquainted with the discovery by Castillero of a quicksilver mine in California?

A. 37.—By the specimens which were first presented to the Junta by Don Tomas Ramon del Moral. I don't remember the date, the expediente will show.

Q. 38.—State if you have any personal recollection of those specimens of cinnabar having been brought to the Junta de Fomento de Mineria, or of anything done by Castillero about the business of the mine at the office of the Junta.

A. 38.—I remember seeing the specimens presented, and I remember when the expediente was began. The specimens and expediente have been in my possession as Secretary, since I was appointed Secretary, and are at present.

Q. 39.—Do you remember when Castillero was engaged in

the business of the mine before the Junta de Fomento, and do you remember the fact of any communications having passed between the Junta de Fomento and any other department of the government about this mine? If yea, state what you remember about it.

A. 39.—I do; I remember that Castillero was occupied before the Junta de Fomento about the matter of the mine, and that these communications which are found in the expediente passed in relation to the matter. I remember that Castillero made his propositions to the government, and that they were accepted afterward. There was an order of the government forbidding all payments of public money, and therefore the amount that was to be paid Castillero was not paid him, and the conditions in that respect were not complied with.

Q. 40.—You have said that the original communication from Vicente Segura, President of the Junta, to Tornel, Director of the National College, dated April 21st, 1846, a copy of which appears in Exhibit H. pages 1 and 2, is in your handwriting. And also that the letter from said Segura to the Minister of Justice, dated 5th May, 1846, copy of which is found in Exhibit I. on pages 2, 3, 4 and 5, is in your handwriting. And also that Castillero's proposals to the Junta de Fomento, dated 12th May, 1846, copy of which appears in Exhibit I. on pages 17, 18, 19, 20, 21 and 22, are in your handwriting. Were those letters and his said proposals written by you on the days of their respective dates?

A. 40.—They were all written on the days of their respective dates.

Q. 41.—Were the other documents and letters appearing in the various Exhibits, about which you have been examined, written on the days of their respective dates, and sent and received in the due course of official communication between the various public officers mentioned in them so far as you know; and have you any reason to believe that any of said communications or documents was made at a time different from that indicated by their dates?

A. 41.—So far as I know, they were all made on the days of their respective dates, and transmitted in the ordinary course of business from and to the offices between which they passed.

Q. 42.—Is Don Vicente Segura living?

A. 42.—He is.

Q. 43.—What office does he hold, and what offices has he held since 1843.

A. 43.—First he was President of the Junta de Fomento de Mineria, when it existed. When it ceased to exist he became Administrador de Fondo de Mineria, and has continued so up to this time.

Q. 44.—What is his age?

A. 44.—Don't know exactly, but he is over sixty years of age.

Q. 45.—Is Gondra living?

A. 45.—He was when I left. He is very sickly; he is in a dying condition. He is over sixty years of age.

Q. 46.—Is Becerra living?

A. 46.—He is dead. When he died, he was Bishop of Puebla. Don't recollect when he died.

Q. 47.—Is Casterra living?

A. 47.—No, sir. Don't remember exactly the year he died, but think it was about 1850.

Q. 48.—Is Paredes living?

A. 48.—He is dead.

Q. 49.—Is Castillo Lanzas living?

A. 49.—He is. When I left Mexico in August last he was Minister of Relations.

Q. 50.—Do you know Manuel Herrera, who was at one time Professor of Chemistry in the National College of Mining?

A. 50.—I knew him. He is dead; he died about two years ago.

Q. 51.—What professors and officers of the National College of Mining do you remember to have been such in 1846.

A. 51.—Don Manuel Herrera, Professor of Chemistry; Don Manuel Ruiz de Tejada, Professor of Physics; Andres del Rio, Professor of Mineralogy; Blas Balcarcel, Professor of Mathematics; Juan Palacios, Professor of the English Language; Antonio Balderas, Professor of French; Gen, Professor of German.

Q. 52.—What office did Don Tomas Ramon del Moral hold in 1846?

A. 52.—Don't remember exactly, but think he was Professor of Drawing. He is dead; don't remember when he died.

Q. 53.—Is J. J. de Herrera dead?

A. 53.—He is. Don't remember when he died. He was President of the Republic at the time peace was made with the United States. Don't remember whether he was President before.

Examination adjourned until to-morrow, at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, CAL.
October 19, 1858, 12 o'clock, M.

DIRECT EXAMINATION RESUMED FROM YESTERDAY.

Present: Mr. Peachy, for claimant; and the U. S. Attorney and Mr. Randolph for the United States.

Q. 54.—Are you acquainted with the signature and handwriting of Castillo Lanzas?

A. 54.—I am not.

Q. 55.—Please state in what offices are the originals of the several exhibits marked G., H., I., K., of which you testified yesterday?

A. 55.—The original of Exhibit G. is in the office of the Administracion del Fondo de Mineria. I know this because it is in my charge. Original of H. is in the office of the Direccion del Colegio de Mineria. I know this because I assisted Brodie and Pardo in making the comparison of this copy with the original in that office; I saw the original in that office. Original of I. is in the office of the Ministry of Relations; I know this because I have seen it there; I saw it there when the comparison was made. Orignal of K. is in the office of the Ministry of Gobernacion; I saw it there when the comparison was made.

Q. 56.—How many Ministries were there in 1846? name them.

A. 56.—Four. Ministry of War and Marine, Ministry of Hacienda, Ministry of Relations and Gobernacion, and the Ministry of Justice and Public Instruction.

Q. 57.—Since 1846 has any change been made in the Ministries? and if so, state when these changes were made, and what are the Ministries of the government at present

A. 57.—They have been changed. In 1852 there were two additional Ministries made. One called the Ministry of Fomento, Colonizacion, Industria and Comercio; and the other is called the Ministry of Gobernacion y Policia.

Q. 58.—Look at Exhibit G. and please explain what appears to be your name written on pages 1, 4, 9, and state why it was there written in the corresponding original?

A. 58.—The object in placing it there is to indicate that a clean copy of it has been made. It is merely a mark placed there for that purpose, on borradors only, or blotters.

Q. 59.—Do you know José Maria Lafragua, formerly Minister of Relations?

A. 59.—Yes.

Q. 60.—Was Mr. Lafragua ever in the office of the Junta de

Fomento, inspecting for any purpose the original of Exhibit G.? If yea, state when and for what purpose.

A. 60.—He was. I remember that he was in the office of the Junta, and examined in my presence the original expediente; that he took some data from it to come to San Francisco in this same business; but I do not remember the time; I think it was about two years ago.

Q. 61.—Where is Mr. Lafragua now?

A. 61.—He is in Spain. He went there as Minister from Mexico.

CROSS-EXAMINATION.

QUESTION 1.—Where were you born?

ANSWER 1.—In Puebla.

Q. 2.—When did you first come to the city of Mexico to live?

A. 2.—I do n't know.

Q. 3.—Do you mean that you came there so young that you cannot recollect?

A. 3.—I have been there very often. I don't know when I went there first, I was so small.

Q. 4.—When did you first consider yourself a permanent resident of the capital, and that it was your home?

A. 4.—I don't remember exactly, but it was about sixteen years ago.

Q. 5.—Sixteen years ago you were twenty-four years old. Please tell me exactly where you had lived and what had been your occupation up to that time.

A. 5.—Before that time I had no occupation; I lived with my family in different parts of the republic.

Q. 6.—Tell me all the parts of the republic in which you had lived before that time.

A. 6.—In Puebla, Charchicomula, Guanajuato, and I don't remember what other places.

Q. 7.—What was the business and occupation of your family, in each and all of the places in which they had resided up to the time that you reached twenty-four years of age?

A. 7.—My father was always a proprietor—land holder.

Q. 8.—What was the reason of his changing his residence so frequently?

A. 8.—I do not know.

Q. 9.—Where were you educated?

A. 9.—At the different places where I resided.

Q. 10.—Were you ever engaged in any business of any description before you were employed in the Junta de Fomento, etc.?

A. 10.—I had no occupation or business of any kind.

Q. 11.—Do I understand you correctly that you have never been engaged in any business, public or private, in the course of your life, except in the Junta de Fomento, etc., and the Administracion del Fondo de Mineria, as you have testified on your direct examination?

A. 11.—I had my own private affairs before I was employed by the Junta.

Q. 12.—What was the nature of your private affairs, which constituted your business and occupation before you were employed by the Junta, etc., and at what place was that business conducted?

A. 12.—I cannot state this, because it is irrelevant to this matter.

Q. 13.—As you are altogether a stranger in this community, and have given testimony against the United States in this very important cause, I consider it important to the interest of the United States to find out, if possible, who and what you are; and, therefore, repeat the last question. Please answer it.

A. 13.—I cannot answer that question, because those matters are altogether private, and have nothing whatever to do with this matter. I am willing to answer any question that relates to the subject under examination.

Q. 14.—Were you engaged in commerce on your own account, or in the employment of any other person at any time during the period referred to; and if so, where and when; and if in the employment of any person, where and whom?

A. 14.—This is the same question which was formerly put to me in another form. I answer it as I did before. I had different kinds of private affairs, none of which have any relation to this case.

Q. 15.—You labor under the mistake of supposing that you are the judge whether the questions are relevant to this matter; but I am the judge, at present, whether my questions are relevant or not; and your only business is to answer truly whatever I ask you. I again repeat my question.

[Mr. Peachy objects to that part of the question which undertakes to instruct the witness as to what are the rights of the counsel for the United States, and as to what are the obligations of the witness, upon the ground that those rights and obligations are not correctly stated.]

A. 15.—I was engaged in different kinds of private business, in buying and selling different kinds of goods, and in the brokerage business. I cannot remember particulars about these matters; I don't know how long I was engaged in this way. It was before I was employed by the government. I was en-

gaged in those matters on my own account, at the different places where I resided.

Q. 16.—Were you engaged in trade as above stated, in each of the several places in which you have said you had resided with your family; namely, in Puebla, Charchicomula, Guanajuato, and the other places referred to in your sixth answer?

A. 16.—I mean that I was engaged in trading and in those private affairs in each of the places I have named, and also in the city of Mexico.

Q. 17.—How is it that in your fifth answer to this cross-examination you have stated that before that time, to wit, sixteen years ago, when you entered into the employment of the Junta, "I had no occupation; I lived with my family in different parts of the republic;" and now you say that you had been occupied in trade in each of the several places in which you said you had resided?

A. 17.—I did say so, because, without having any necessity for it, I occupied my time in those matters while I lived with my family.

Q. 18.—I call your attention again to your fifth answer. Your words are, "Before that time I had no occupation;" and now you say that you were occupied in various kinds of trade, referring to the same period and the same places. Do you not see a contradiction?

A. 18.—I see no contradiction; because I had no regular occupation. Those were small matters of no consequence, which I engaged in voluntarily, without any compulsion or necessity for it. I have stated them as details, because I was asked to state details.

Q. 19.—Before you entered the service of the Junta, did you never have any other employment or business whatsoever, except that of trade, as you have above stated.

A. 19.—I had not.

Q. 20.—By what means did you obtain employment from the Junta, on whose recommendation, and who was your immediate employer?

A. 20.—I obtained the employment by the recommendation of my parents; I was employed by the government; I got my commission from the government.

Q. 21.—What was exactly the style and designation of the office to which you were appointed; what was the tenor of your commission, and by whom was it signed?

A. 21.—The title of the office was Escribiente de la Junta de Fomento de Mineria. I don't remember the tenor of the commission; it was signed by the President, General Santa Anna.

Q. 22.—What was the day, month and year, of the date of your commission?

A. 22.—I remember the month and year, but not the day. It was March, 1844.

Q. 23.—Was there any other signature on your commission except that of the President, General Santa Anna, if yea, what other?

A. 23.—It was signed by the Minister of Justice, also. His name was Barranda.

Q. 24.—Besides the first commission, have you since received any other commission or commissions, and if yea, at what time, and by whom signed?

A. 24.—In the year 1848 I received a commission as *oficial.* I don't remember by whom it was signed, and in 1852 I received that of Secretary. This last was signed by the President Arista, and the Minister whose name I do not remember, but I can ascertain very soon, as I brought this last with me.

Q. 25.—Can't you remember the name of the President by whom your commission in 1848 was signed?

A. 25.—I don't remember.

Examination adjourned until to-morrow, at 11 o'clock, A.M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, CAL., October 20th, 1858.

EXAMINATION RESUMED FROM YESTERDAY.

Q. 26.—Have you brought your commission with you, of which you spoke yesterday?

A. 26.—I have. [Witness here produces it, a copy of which is filed with this deposition.]

Q. 27.—Are you acquainted with the Bernardo Couto, one of the signers of the Treaty of Guadalupe Hidalgo?

A. 27.—Yes, sir. He is my uncle, and brother-in-law. He is my father's brother, and married my sister.

Q. 28.—Do I understand you to say that he married his own niece?

A. 28.—Yes, sir. He married the daughter of his brother.

Q. 29.—When was the Administracion del Fondo de Mineria established, and in what manner was it established?

A. 29.—The office was formerly called Junta de Fomento y Administracion de Mineria, and in 1852, by virtue of the

decree of the 28th June, of that year, it changed its name, and it is called Administracion del Fondo de Mineria, and in place of the three persons who formerly composed the Junta, there is one person who is called Administrador del Fondo de Mineria. His name is Don Vicente Segura.

Q. 30.—Who was President on the 28th of June, 1852?

A. 30.—Don Mariano Arista.

Q. 31.—What other changes were made in the office, if any?

A. 31.—The persons employed in the office under the new organization were reduced to these: a Contador y tenidor de libros, (Bookkeeper,) and his Clerk; a Secretary, myself, and my Clerk.

Q. 32.—What are the names of the Contador, and that of your Clerk?

A. 32.—Agustin Peredo is the Contador, Josè Garcia is the name of his Clerk, and Francisco Segura is the name of my Clerk. He is the son of the Administrador.

Q. 33.—What is the name of the agent of Mr. Eustaquio Barron at whose request you came from Mexico to this place to testify, and referred to in your fourth answer on your direct examination?

A. 33.—Emilio Pardo. The same person who came with me, and is here now. He is a lawyer.

Q. 34.—Was Mr. Eustaquio Barron in Mexico at the time when you were requested by Mr. Pardo to come to San Francisco?

A. 34.—I don't know.

Q. 35.—Did you not see Mr. Eustaquio Barron himself on the subject of these papers, and of your coming to San Francisco to prove them?

A. 35.—I did not. I saw him at his house in Mexico the night before I left. I went to see him in order that he might know who I was, because he did not know me.

Q. 36.—Then you had never seen Mr. Eustaquio Barron at any time in the establishment called the Administracion del Fondo de Mineria?

A. 36.—I never did see him in that office.

Q. 37.—Did Mr. Barron himself pay you the $4,000 for coming from the city of Mexico to the city of San Francisco to give your testimony referred to in your 8th answer?

A. 37.—He gave me an order signed by himself in Mexico for $500, which was paid to me in advance. The balance of $3,500 was paid to me in this city by his partners and nephews.

Q. 38.—Do you mean that the balance of $3,500 was paid to you by the house of Bolton, Barron & Co., of this city. On what day was it paid, and in what sort of funds?

A. 38.—They did. I received it at different times in $20 pieces. I do not recollect exactly when.

Q. 39.—On what day did you receive the last payment, and how much?

A. 39.—About fifteen days ago, and about $2,900.

Q. 40.—On or about what day did you receive the next preceding payment, and how much?

A. 40.—One hundred dollars, but can't say positively when it was, but I have the date in my pocket book which is at my room.

Q. 41.—Do you remember having signed an affidavit in the case of the United States against John Parrott, et.als., in the U. S. Circuit Court. How much of the $3,500 had you received from Bolton, Barron & Co., at that time?

A. 41.—I do. I can't tell exactly, but think I had received about $600.

Q. 42.—Did Mr. Barron give you a bill of exchange upon Bolton, Barron & Co., of this place, for the $3,500, and if not, what sort of an order did you have upon them for that sum?

A. 42.—He gave me no bill of exchange, nor any other kind of an order.

Q. 43.—Did you not bring with you any kind of a paper or document by which you could compel them, Bolton, Barron & Co., to pay you the $3,500?

A. 43.—No, sir. Nothing.

Q. 44.—Had you no security or assurance of any sort that Bolton, Barron & Co. would pay you the $3,500?

A. 44.—The only security I had was a document or agreement in writing that we made in Mexico, stating that I was to be paid that sum.

Q. 45.—With whom was that agreement made?

A. 45.—Mr. Pardo made that agreement with me, and it was signed by Mr. Barron and myself.

Q. 46.—Please produce that agreement, I desire to annex a copy of it to this deposition.

A. 46.—I cannot, because it is in Mexico.

Q. 47.—As that was the only guarantee you had for the payment of the $3,500, why did you not bring it with you to show to Bolton, Barron & Co. that you were entitled to the money. Did you not see that without it you would be entirely in their power?

A. 47.—I knew that by leaving it in Mexico, it would be safe, and that I could compel the house with which I made it to perform it, and that if I had brought it with me, I might lose it on the way.

Q. 48.—Did it not occur to you that it would be advisable to

bring a duplicate of the agreement, especially as you had no bill of exchange or writing of any sort to show your right to the money when you should arrive?

A. 48.—I did not bring it with me because it was not necessary for me to use it here, I had no occasion to use that credit in San Francisco, I had other means of getting money should I need it.

Q. 49.—Has anything happened since you have been here to render it necessary or desirable for you to use that credit, and which has caused you to draw the whole of the sum here in San Francisco?

A. 49.—I first received small sums, as I have stated, and I afterwards considered it proper to receive the whole amount, and did so.

Q. 50.—Who was President of the Junta de Fomento y Administracion de Mineria in the year 1844, when you say you first received your appointment in the service of that body?

A. 50.—Josè Maria Bassoco.

Q. 51.—Who in 1845?

A. 51.—Josè del Motte.

Q. 52.—Who in 1846?

A. 52.—Vicente Segura. Bassoco, in 1847. Josè del Motte, in 1848. Segura, in 1849. Bassoco, in 1850. In 1851, or the year before, del Motte died, and his place remained vacant. I don't remember who was President in 1851. Don't remember who was the last President in 1852.

Q. 53.—As you were in the employment of the Junta from 1844, until it expired in 1852, is it not strange that you cannot remember with absolute certainty who was President of the body, who constituted its members, and all the changes which occured in it during that time? Please look over your answer first made, and say whether you repeat that answer.

A. 53.—After Del Motte died the Presidency was taken in turn by the two remaining members, or Vocales, Segura and Bassoco; so that Segura was President in 1851, and until the Junta ceased to exist.

Q. 54.—How do you know that Segura was President in 1851 and 1852, and that the several members of the Junta had been Presidents respectively in the years which you have mentioned?

A. 54.—The way I make out who the President was in each of the years named, is by computing from the year 1844, when I entered into office, and knowing that in that year Bassoco was President, and knowing that each of the other vocales became President in his turn, according to the provisions of

the law. I could not state from memory who was President in any particular year.

Q. 55.—Did not the business of your office necessarily bring you in contact with the President of the Junta, and is your memory so very bad that you would be unable to say who that President was during any one of the eight years that you were in the employment of the Junta, without resort to calculation?

A. 55.—My memory is very bad, and I could not tell who was President in any year without resorting to this calculation.

Q. 56.—The substance of your answer then is, if I understand you, that Bassoco was President in 1844, when you entered the service of the Junta, and Segura was President in 1846; therefore, Del Motte was President in 1845, and so in rotation between the three members until the Junta was abolished in 1852?

A. 56.—Yes, this is the substance of it.

Q. 57.—If your memory is so bad that you cannot trust it for a fact so conspicuous and so simple as who was President of the Junta in a given year, how can you rely upon it with so much confidence for the time and all the circumstances surrounding the execution of a particular paper, which passed through your hands in the course of business?

A. 57.—The reason why I remember the one and not the other is, that the fact of who was President in any particular year was a matter of slight importance, and the other facts were important, and I therefore remember them.

Q. 58.—Tell me all the persons who were employed in the service of the Junta from 1844 to 1852 inclusive?

A. 58.—They were the three persons named as constituting the Junta: the Secretary, José Maria Castera; the *oficial*, Ysidro Rafael Gondra; another *oficial*, José Maria Cauchola; the *Escribiente*, myself; an Assistant Escribiente, named Saabedra, I don't recollect his first name.

Q. 59.—Were there any changes in that time; if so, what?

A. 59.—There were. In 1848 Cauchola died; and I was promoted in his place. The Secretary Castera died; I don't remember the time, I think it was in 1850. There was no person appointed in his place until 1852, when I was appointed Secretary. Ysidro Rafael Gondra acted as Secretary from the time Castera died until I was appointed Secretary.

Examination adjourned until to-morrow at 12 o'clock, M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Cal., October 21st, 1858.

EXAMINATION RESUMED FROM YESTERDAY.

Q. 60.—Were the persons whom you have mentioned in your last answer, the only persons who were employed in any capacity whatever in the Junta de Fomento y Administrativa de Mineria at any time from the year 1844, when you entered its employment, to 1852 when the Junta expired?

A. 60.—Those were the only persons employed in the offices of the Junta, and of the Secretary of the Junta.

Q. 61.—What other branches of service were there in the Junta besides the Secretaryship, and under the control of the Junta?

A. 61.—There was the Contaduria.

Q. 62.—Who were all the officers of the Contaduria, during all those years from 1844 to 1852 before referred to?

A. 62.—There was the Contador, whose name was Miguel Hierro; there was the 1st *Oficial*, whose name was Miguel Gaugoiti; the 2d *Oficial* was Agustin Peredo; an Escribiente, Francisco Bonilla; a Treasurer, Teodoro Castera, brother of the Secretary of the Junta; there was a Keeper of the Archives (*Archivero*), Quirvan; there was a Porter, his name was Manuel Rodriguez.

Q. 63.—Are you certain there was no other person employed in the Treasury of the Junta besides the Treasurer himself?

A. 63.—I have not spoken of him, the Clerk of the Treasurer, because he was not in the employ of the government, or of the Junta.

Q. 64.—Was there not in the treasury another separate branch of service, with an officer presiding over it with a title and style given by law?

A. 64.—There was no other person in this department except the Treasurer and the Clerk of whom I have spoken.

Q. 65.—Were you acquainted with the organization of the office of the treasury?

A. 65.—I knew nothing about what the details were, I knew who the employees were.

Q. 66.—During the time that you were in the service of the Junta, to wit: from 1844 to 1852, was there no one in charge of the treasury of the Junta de Fomento y Administrativa de Mineria, except the Treasurer Teodoro Castera of whom you have spoken?

A. 66.—No one but him.

Q. 67.—You say that in the year 1852, when the Junta expired, Segura was President; the Secretaryship was vacant;

Gondra was 1st *Oficial*, and acted as Secretary; that you were 2d *Oficial*, and there was no Escribiente, do you not?

A. 67.—Yes.

Q. 68.—Are you sure that at that time you were 2d *Oficial?*

A. 68.—I am.

Q. 69.—In the year 1852, and before the Junta ceased to exist, where did you reside in the city of Mexico, on what street, and at what number?

A. 69.—I don't remember; I have changed my residence frequently.

Q. 70.—Is there not in the city of Mexico, a street called San José Gracia?

A. 70.—There is, and I lived at No. 8 in that street. I resided there with my parents, but I don't know whether I resided there at that time. I keep that house now and sub-let it.

Q. 71.—Was there ever a man named Manuel Couto employed in the Junta de Fomento y Administrativa de Mineria, except yourself, during the years 1844 to 1852, inclusive?

A. 71.—There was not. There is a boy about 14 years of age, of my name, son of my uncle Bernardo Couto. He lives in the city of Mexico, but is not employed in the Junta.

Q. 72.—In the year 1848, you say you became 2d *Oficial* of the Junta, etc., and held that office until the Junta expired, and you were appointed Secretary of the Administracion del Fondo de Mineria, do you not?

A. 72.—Yes, sir.

Q. 73.—In the year 1852, was not the Secretaryship of the Junta de Fomento y Administrativa de Mineria vacant; the office of 1st *Oficial* and 2d *Oficial* also vacant; Don Manuel Garcia 1st Escribiente, and Manuel Couto of the street San José de Gracia, of No. 8, that is to say yourself, only 2d Escribiente?

A. 73.—The office of Secretary was vacant in 1852, but the offices of 1st and 2d *Oficial* were not vacant. The name of the person referred to as Garcia, was Manuel Garcia del Valle. He was employed in 1844, when I was first employed, and died a few days thereafter.

Q. 74.—Look at the book now shown you, entitled "Guia de Forasteros y Repertorio de Conocimientos Utiles, por el General Juan Nepomuceno Almonte, Mexico: Imprenta de 1, Cumplido, C. de los Rebeldes, N. 2, 1852;" and the introduction to which is dated at Mexico, January 1, 1853, signed by the author, and tell me what you find on pages 104 and 105, on the subject of the organization of the Junta de Fomento de Mineria.

A. 74.—I find as follows, to wit:

"JUNTA DE FOMENTO DE MINERIA.

Presidente, Sr. D. Vicente Segura, en la oficina Colegio de Mineria.

Comisionado de los Mineros, ———.

Comisionado de los Acreedores, D. José Maria Bassoco, Donceles, num. 4.

SECRETARIA.

Secretario, ———.

Oficial Primero, ———.

Idem Segundo, ———.

Escribiente Primero, D. Manuel Garcia del Valle, Angel, num. 12.

Idem Segundo, D. Manuel Couto, San José de Gracia, num. 8.

CONTADURIA.

Contador, D. Migual Hierro, Tercera de San Juan, num. 4.

Oficial Primero, D. Miguel Gaugoiti, Canoa, num. 1.

Idem Segundo, D. Agustin Peredo, Venero, num. 7.

Escribiente, D. J. F. Bonilla, Hospital de San Juan de Dios.

ARCHIVO.

Archivero, D. Francisco Quirban, Medinas, num. 20.

TESORERIA.

Tesorero, D. Teodero Castera, Escondida, num. 20.

Contador de Moneda, D. J. Garcia Arana, Santisima, num. 6.

Mozo de Oficios, D. Manuel Rodriguez, en la oficina."

Q. 75.—Explain now why in this work, which the author says he has compiled with great care and labor in 1852, it appears that you held only the office of 2d Escribiente, whilst you say that you had been promoted to the place of *Oficial* as early as the year 1848; and how it is that in the branch of the Tesoreria there was an officer called the Contador de Moneda, who at that time was D. J. Garcia Arana, whilst you say from 1844 to 1852, when the Junta expired, you say there never had been any such officer.

A. 75.—That book is full of errors. There are a number of persons represented there as filling offices in 1852, that died a long time before. That portion of it which refers to the Junta, shows who the officers of the Junta were when the office was established in 1844; but it does not correctly state who those officers were in 1852. Even the Junta itself did not exist at the date of the Introduction in the book.

Q. 76.—The Introduction does not say whether the Junta existed on the 1st January, 1853, or not, as you may now see

by reading it; but the author gives the organization of the Junta whilst it existed in 1852, does he not?

A. 76.—As I understand, it is only a list of persons in the employ of the government. I know nothing about this book; I do know that my statements about the organization of the Junta are correct.

Q. 77.—In your answer to the 75th cross-question you say that this book shows the organization of the Junta "when the office was established in 1844." Do you mean to say that in that year the Junta de Fomento y Administrativa de Mineria was established?

A. 77.—I do not mean to say that the Junta de Fomento y Administrativa de Mineria was first established in that year; but the statement in this book refers to that time.

Q. 78.—Was there any vacancy in the Junta in 1844? Have you not stated that it was full, consisting of Segura, Del Motte and Bassoco?

A. 78.—There was no vacancy in 1844.

Q. 79.—Was there not a vacancy in the Junta in 1852, just as it appears in this book?

A. 79.—In 1852 there was a vacancy in the Junta, but it was not such a vacancy as is represented in this book. These vacancies represented in this book are merely blanks left by the author, because he did not know the names of persons supposed to be the officers.

Q. 80.—Where the author left a blank from ignorance of the name of the member of the Junta, as you suppose, it happened that there was a vacancy in reality at that time. Do you mean that this was an accidental coincidence?

A. 80.—There was in reality a vacancy at that time, 1852, in the Junta; but this blank was left because the author was ignorant of the name which he supposed ought to be put there. It probably is an accident that there is a blank in this book just when, in 1852, there was a vacancy. All this data about the Junta, in the book, was made up in 1844, and the blanks which appear in it, appear there because the author was ignorant of the names of persons holding the offices corresponding with the blanks in 1844.

Q. 81.—How do you know when and in what manner the author obtained the data from which he made up this part of the book. What had you to do with the making up of the book?

A. 81.—I had nothing to do with the making up of the book; but I know that this data about the Junta was made up in 1844, because it correctly states what my employment was in that year, and also because it states correctly the office held by

Manuel Garcia del Valle in that year, and who died a short time after, and in the same year, 1844. If it had been made up in 1852, the name of this man, who was dead, would not have been put in it.

Q. 82.—In the year 1844, was the office of the Secretary of the Junta vacant?

A. 82.—It was not.

Q. 83.—Was it not vacant in the year 1852, just as the blank appears in this book?

A. 83.—Yes.

Q. 84.—Is that another coincidence between the ignorance of the author and the actual fact, as it existed in 1852?

A. 84.—It is.

Q. 85.—If these blanks under the head of the *Secretaria* occur because the author was ignorant with what names to fill them, how do you suppose he obtained information of the names of the Escribiente and the 2d Escribiente? Why could he not obtain the names of the Secretary and the two *oficiales* from the same source, and in the same manner that he obtained the names of the two lowest Clerks or writers, (Escribientes,) in the establishment?

A. 85.—I do not know why he left the blanks; but Manuel Garcia del Valle and myself are very well known in Mexico, and because we belong to two of the best families of Mexico.

Q. 86.—From 1844 to 1852 inclusive, was there no *Archivero* of the Junta de Fomento, etc., but Francisco Quirban?

A. 86.—There was none; he is still living, and resides in the city of Mexico.

Q. 87.—What were the duties of the Archivero?

A. 87.—To take charge of the archives, and to deliver documents to the Junta when they asked for them.

Q. 88.—What kind of papers did the Archivero keep? Give as full an account of them as you can, of the character of documents of whatever description it was his duty to keep.

A. 88.—He kept all the papers belonging to the office of the Junta de Mineria, consisting of the ancient records, expedientes and books of the old Mining Tribunal, and all the papers, documents, expedientes and books of the Junta.

Q. 89.—Was it the duty of this Archivero to keep the expediente of which Exhibit "G." concerning which you have testified on your direct examination is, as you have said, a copy?

A. 89.—It was.

Q. 90.—Is this Francisco Quirban, *Archivero*, the man who you say now on your oath, was the keeper of the original of this expediente from the year 1846 to the year 1852, when the the Junta expired?

A. 90.—He is.

Q. 91.—Since 1852, and not before that time, I understand you to say that you have been the keeper of the archives among which the original of this expediente is to be found. Is this so?

A. 91.—This is so. I have been the keeper only from the date of my commission.

Q. 92.—What is the present occupation of this Francisco Quirban?

A. 92.—I do not know. He is not in any public employment.

Q. 93.—When the Junta de Fomento, etc., communicated with the government, to what ministry did they address themselves?

A. 93.—To all.

Q. 94.—When they communicated with the government on the subject of mines and mining interests, did they not always address themselves to some one of the ministries in particular?

A. 94.—As a general thing, the Junta addressed itself to the Ministry of Justice.

Q. 95.—Was not the Junta subordinate to some one of the ministries, and obliged always to communicate with the government through that ministry?

A. 95.—It was subordinate to the Ministry of Justice, but it dealt with the different ministries according to the nature of the business it had to transact.

Q. 96.—Please explain more definitely what the nature of the Junta's subordination to the Ministry of Justice was, and what sort of communication a subordinate department or bureau of the Ministry of Justice, (as you describe the Junta,) could hold directly and independently with other ministries?

A. 96.—The Junta communicated through the Ministry of Justice to the government. As an instance of the Junta's subordination to the Ministry of Justice, I refer to the case of this mine. When anybody wishes to communicate with the government, they have to do so through the ministry. The ministry through which the Junta had to communicate with the government was the Ministry of Justice. It could not communicate directly with the government. The Junta was not a subordinate branch of the Ministry of Justice. The Junta could communicate directly with other branches of the government.

Q. 97.—Now tell me what sort of communications the Junta could hold with the government through other ministries?

A. 97.—For instance, when it was necessary to make any disbursements, the Junta communicated with the government through the Ministry of Hacienda.

Q. 98.—Why, when the Junta had to disburse a few thou-

sand of dollars did it have to communicate with the government through the Ministry of Hacienda, and not through the Ministry of Justice?

A. 98.—Because the Ministry of Hacienda is that which has to do with the public funds.

Q. 99.—During all the years that you were in the service of the Junta, etc., was that the way of doing business at the Junta when it proposed to disburse a few thousand dollars, had it to communicate with the government through the Ministry of Hacienda?

A. 99.—The Junta has sometimes requested the government to approve of some disbursements through other ministries.

Q. 100.—Then on the subject of an expenditure of money the Junta might sometimes communicate with the government through the Ministry of Hacienda, and sometimes through other ministries; if this is your meaning, explain distinctly about what sort of disbursements or expenditures it was necessary to communicate with the government through the Ministry of Hacienda, and what sort through other ministries, and which other ministries?

A. 100.—I do not know that the Junta could communicate on that subject with the government, but I know that it did so. I cannot state the different kinds of disbursements in relation to which it was necessary to communicate with the government through other ministries.

Examination adjourned until Saturday next, the 23d inst., at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, CAL.,
October 23d, 1858, 11 o'clock, A. M.

EXAMINATION RESUMED FROM THE 21ST INST.

Q. 101.—You have said that this list of the persons employed in the Junta de Fomento, etc., was a statement of the officers of that institution in the year 1844, when you entered its service, and not the year 1852, which this book, Guia de los Forasteros, etc., purports to give. Have you not?

A. 101.—I have.

Q. 102.—You have said that when you entered the service of the Junta etc., the President was Josè Maria Bassoco, in March, 1844. Have you not?

A. 102.—I think so.

Q. 103.—Don't you know what you have already answered on this examination?

A. 103.—I am positive that I did state that Bassoco was President in March, 1844, to the best of my recollection. I make the same statement now.

Q. 104.—Is your memory so bad that you can be in the least doubt as to who was the President of the Junta at the time when you first entered its service?

A. 104.—The only doubt I have is as to whether the President was Del Motte or Bassoco.

Q. 105.—Why might not it have been Segura who was President in the year 1844?

A. 105.—Because he was President in 1843, the first year of the Junta's existence.

Q. 106.—Then you are certain that Segura was not President in 1844?

A. 106.—I am.

Q. 107.—If Segura was not President in 1844 how can you say that the author of this book has taken the list of officers of that institution as it stood in the year 1844, when you first entered its service. Look at this book, and say whether Segura does not head the list as President. How can this be the list of 1844, as you have so often said?

A. 107.—Yes, sir; this is the list of 1844. It is not because his name appears at the head of the list that he should be President. The statement in the book is not correct. If this list was made up in 1844, it is incorrect in this particular. If it referred to 1843, it is correct in this particular. I don't know when the author of this book obtained this list.

Q. 108.—I have not asked you when the author of this Guia de los Foresteros, etc., obtained this list. It is you who have undertaken to say very positively that it is not, as it purports, the list of 1852, but that of 1844. You now say that it is not correct for that year, but would be correct for the year 1843. How could it be correct for that year when your name appears on the list, and you did not enter the service of the Junta until the year after, to wit: 1844?

[Mr. Peachy, claimant's counsel, objects to the question on the ground that it is assumed that the witness has said that that would be a correct list for the year 1843; whereas he did in fact say, that it would be correct for the last named year in so far as it puts down Vicente Segura as the President of the Junta, and no further.]

A. 108.—I do not state positively that it would be correct for

that year. I do not know when the author made up this list.

Q. 109.—Is it then your idea that the author, Gen. Juan Nepomuceno Almonte, in the city of Mexico, when he was preparing a list of all the officers of government for the year 1852, got the name of the President of the Junta de Fomento, etc., from the list as it existed in the year 1843, and the name of the two Escribientes from that of the year 1844, and by some means was not able to obtain at all the names of one of the members of the Junta and of the Secretary, and two *oficiales*. Is that what you have intended to say?

A. 109.—I do not know how, or from whom the author obtained his information. I only know that this list is incorrect.

Q. 110.—Have you not repeatedly said not only that the list was incorrect for the year 1852, but that it was correct for 1844?

A. 110.—What I said was, that it was the *planta* of the office for 1844, which means a statement of the different offices belonging to the Junta. It states correctly the offices in the Junta for the year 1844, but does not state correctly the names of the persons filling them.

Q. 111.—Were not the offices in the Junta the same from the day of its establishment in 1843, until 1853, when it ceased to exist?

A. 112.—The offices were the same.

Q. 112.—If that was all you meant when you said this list was that of the year 1844 and not of the year 1852, how could you have said that it was incorrect for 1852 and correct for 1844, when the list of offices was precisely the same for both years up to the time in 1852, when the Junta ceased to exist as you have said?

A. 112.—In the year 1852, some of the persons named in that list were dead. It was a correct list for the offices, but not of the officers. The names given in the list are names of the persons who held (in 1844, when I entered), the offices which they are represented as holding in the list, with the exception of the President Segura. He was President in 1843.

Q. 113.—Then I understand you correctly as before, that in this list the author has obtained the name of the President in 1843; the names of the two Escribientes for 1844, and that where there are blanks they were not left because there were vacancies, for none such existed, but because, as you suppose, the author did not know the names of the officers with which those blanks ought to be filled?

A. 113.—This list does show the President in 1843 and the names of the two escribientes in 1844, but I cannot know why blanks were left in this list.

Q. 114.—Do you now swear positively that this is not the correct list of the officers of the Junta for the year 1852?

A. 114.—It is not a correct list of those officers after the 28th June, 1852.

Q. 115.—You cannot surely misunderstand me. I did not ask you if this was a correct list of the officers after the Junta was abolished, but whether you would swear positively that it was an incorrect list of the officers of the Junta for the year 1852, before it was abolished as you say?

A. 115.—Now I understand you. This is not a correct list of the officers of the Junta for the year 1852 before the Junta expired. Many of the persons named in this list were dead in 1852, to wit: The Comisionado de los Mineros, who had been Del Motte; the Secretario, who had been José Maria Castera; the Segundo *Oficial*, who had been José Maria Cauchola; the Escribiente primero, who had been Don Manuel Garcia Del Valle; the Contador, who had been Don Miguel Hierro; the *Oficial* primero of the Contaduriá, who had been Miguel Gaugoiti; the Tesorero, who had been Teodoro Castera.

Q. 116.—All the persons who were not dead held respectively the same offices given them in that list, except that you had been promoted since the year 1848 to the place of second *oficial* in the Secretaria, to fill the vacancy caused by the death of Cauchola. Is that what you say?

A. 116.—Some of the persons who were living did not hold in 1852 the offices given them in this list; they had been promoted.

Q. 117.—Please say which of them had been promoted, and to what places, and give the names of the persons who had been introduced to fill the vacancies caused by their promotion?

A. 117.—There were but two persons employed by the Junta to fill vacancies during the whole term of its existence. I can give their names but not the time when they were employed. José Sanchez was one, and Francisco Segura the other. They both entered as Escribientes in the Secretaria.

Q. 118.—In whose places did they enter respectively?

A. 118.—They entered to fill the places which Garcia del Valle and myself had formerly held. They entered at different times, I cannot state the time. I don't remember which vacancy occurred at first. I don't remember which of the two took my place, nor which took the place of Del Valle.

Q. 119.—How is it that you do not remember which vacancy occurred first, when you have said Del Valle died soon after you entered the office in 1844, and that your place was not vacant until you were promoted 2d *Oficial* in 1848?

A. 119.—I don't remember when the vacancies were filled, because vacancies were not always filled immediately.

Q. 120.—Was not the vacancy caused by the death of Del Valle filled before you were promoted 2d *Oficial* in 1848?

A. 120.—It was not. After he died, I was the only Escribiente until I was promoted in 1848. There were Assistants there during that time. Assistants were persons who were temporarily employed, and not officers of the government.

Q. 121.—When Castera died, who was promoted as Secretary in his place?

A. 121.—No one.

Q. 122.—When Miguel Hierro died, who was made Contador in his place?

A. 122.—Gaugoiti.

Q. 123.—When Gaugoiti was promoted, who was made 1st *Oficial* in the Contaduriá in his place?

A. 123.—Agustin Peredo.

Q. 124.—When Peredo was promoted, who was made 2d *Oficial* in his place?

A. 124.—Francisco Bonilla.

Q. 125.—Who was then made Escribiente in Bonilla's place?

A. 125.—Josè Garcia Arana then first became an officer of the government, and was appointed Escribiente in Bonilla's place.

Q. 126.—In what year did Josè Garcia Arana become an Escribiente?

A. 126.—I do not know.

Q. 127.—Was Josè Garcia Arana afterward transferred to any other office; if so, what?

A. 127.—He was not. Before that time he had been a Clerk for the Treasurer, with the title of Contador de Moneda, but as I said before he was not an officer of the government, but was employed and paid by the Treasurer himself.

Q. 128.—Then I understand you to say that the Contador de Moneda in the treasury was not an officer employed by the government, and that that office constituted no part of the *planta* of the Junta de Fomento, etc.?

A. 128.—He was not an officer of the government, but his office is part of the *planta*. The office was created by the law. The law also provided that he should be paid by the Treasurer himself.

Q. 129.—When Gaugoiti died, what office did he hold?

A. 129.—The office of Contador at the head of the Contaduriá.

Q. 130.—Who was promoted to fill his place?

A. 130.—No one.

Q. 131.—At or about what time did he die?

A. 131.—I do not know.

Q. 132.—Did the place of Contador remain vacant after the death of Gaugoiti until the Junta was abolished in 1852?

A. 132.—It did.

Q. 133.—After the death of Teodoro Castera, who was made Tesorero (Treasurer), in his place?

A. 133.—No one.

Q. 134.—At or about what time did Castera, the Treasurer, die?

A. 134.—I do not remember; it was about the year 1850.

Q. 135.—Did the office of Treasurer remain vacant on his death, until the Junta expired in 1852?

A. 135.—It did.

Q. 136.—At what time have you said Castera, the Secretary, died?

A. 136.—They both died about the same time; there was but a few months difference.

Q. 137.—Can you not recall the time within a year when Gaugoiti died?

A. 137.—I cannot.

Q. 138.—In 1852, when the Junta expired, and for some time before that date, one of the members of the Junta, the Secretary, Contador and Treasurer of that body, were all dead, and their vacancies unfilled; was it not so?

A. 138.—It was so.

Q. 139.—What was the reason, if you know, why the Junta had fallen into a state of such dilapidation and neglect?

A. 139.—I do not know the reason.

Q. 140.—During the period of all these vacancies did the Junta continue to transact business at all, and if yea, was it to as great an extent as formerly?

A. 140.—It was all the same as before.

Q. 141.—On what day of the year did the Presidents of the Junta enter upon their office?

A. 141.—I don't know.

Q. 142.—Was it in the beginning, or the middle of the year, or about what time of the year?

A. 142.—It was about the beginning of the year, but I cannot remember the exact day.

Examination adjourned until Monday next, the 25th inst., at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Cal., October 25, 1858.

Examination adjourned until to-morrow at 11, A. M.

W. H. CHEVERS,
U. S. Commissioner.

—

SAN FRANCISCO, Cal., October 26, 1858.

Examination adjourned until to-morrow, at 11, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Cal. October 27, 1858.

EXAMINATION RESUMED FROM YESTERDAY.

Q. 143.—You have several times spoken of a law by which the Junta de Fomento y Administrativa de Mineria was abolished, and the Administracion del Fondo de Mineria was constituted in its place; can you produce me a copy of that law?

A. 143.—I showed you a copy of the law the other day; I have not got it with me now, it is at my room.

[Counsel for the United States requests the witness to bring that law, in order that a copy may be made to file with this deposition.]

Q. 144.—From what sources was the Junta, etc., provided with revenue for its support?

A. 144.—It derived its revenue from the taxation of the produce of the mines. They charged one real duty on each *marco* of silver. The duty was collected when the silver was assayed. A *marco* is eight ounces. The revenue raised in this way is called the *Fondo de Mineria.*

Q. 145.—Was there not another source of revenue, which was called the *Fondo de Azogues.* How was that *fondo* raised?

A. 145.—There was another *fondo*, called the *Fondo de Azogues.* The government created this *fondo* by applying fifty thousand dollars per annum of the duties collected on cottons at the port of Tampico, and eighty thousand dollars per annum of similar duties collected at the port of Vera Cruz, to the creation of this *fondo*, (fund.)

Q. 146—Was the quicksilver fund (*Fondo de Azogues*) collected in those ports by the Junta itself; or by the collectors

of the revenue paid into the treasury, and then from the treasury paid into the Junta?

A. 146.—It was collected by the collectors of the revenue in those ports, and by them paid over to the Junta directly; it did not come through the treasury.

Q. 147.—When the war with the United States begun, did not the government of Mexico appropriate this quicksilver fund to the support of the war, and divert it from the support of the Junta?

A. 147.—I do not remember.

Q. 148.—Were you not in the service of the Junta when the war begun, and during all the time it lasted?

A. 148.—I was; I have been there since 1844 to this time.

Q. 149.—After the war begun, did not the government suspend all payments made by the public treasury, and reduce the Junta to the lamentable extremity of leaving it without any funds?

A. 149.—I do not remember.

Q. 150.—Was there not such an order made on or about the 10th day of May, 1846.

A. 150.—I do not remember.

Q. 151.—If the government had issued such an order in the month of May, and had taken away all the funds by which the Junta was supported, would it not have come to your knowledge, as you were one of the employees, receiving a salary; and would you not be as likely to remember that circumstance as any other event which took place in the Junta during the same month?

A. 151.—The government, for different reasons, suspended payments from the public treasury on many occasions; but whether payments were suspended at the particular time referred to, or not, I don't remember. Besides, the suspension of payments by the government never included a suspension of payment of salaries of its employees; those salaries were always paid.

Q. 152.—Do you not know that the government of Mexico, during the war with the United States, did withhold the salaries of its employees, in whole or in part, and applied the money to the necessities of the nation?

A. 152.—Don't remember that it was ever done to any one, and I know it was not done to me.

Q. 153.—Can you not state whether or not the Junta de Fomento, etc., continued to receive the aforesaid duties on imports at Tampico and Vera Cruz, and which constituted the quicksilver fund, during the war with the United States?

A. 153.—I don't remember.

Q. 154.—Did not the government of Mexico, on or about the 19th September, 1846, issue an order directing the suspension of all payments of the branch of quicksilver, except the support of the college and expenses of the office?

A. 154.—In 1846, there was a suspension of payments; but I don't remember the date.

Q. 155.—What sort of payments were they which were suspended?

A. 155.—All the payments which were usually made in my office, except such as were made for the support of the college, for the expenses of the office.

Q. 156.—Do you know whether the government, at any time after 1846, restored the quicksilver fund to the Junta; and if so, when did the Junto again commence to receive that fund?

A. 156.—I don't remember.

Q. 157.—Do you know whether the Junta de Fomento, etc., did ever again, after the year 1846, receive the quicksilver fund?

A. 157.—I do not remember.

Q. 158.—Did not the government of Mexico, during the war, also appropriate the Fondo de Mineria, or mining fund of one real per *marc* on silver, to the national defense?

A. 158.—The government did, on various occasions, make use of a part of that fund. It may have done so during the war.

Q. 159.—Did it not appropriate the whole of that fund, as well as the quicksilver fund during the war?

A. 159.—It did not.

Q. 160.—Did the Junta continue to receive the mining fund during the war? How and where was that fund collected?

A. 160.—It did. It is a long story as to how and where it was collected. Collectors are appointed at the different places in the republic where minerals are assayed. At the different mints, when the silver is presented for assay, the assayer collects the *real* per *marc*, according to the weight of the silver bar, and at the end of each month, the amount of this tax of one *real* per *marc*, is delivered to a commissioner appointed at the place by the *administracion* of the *Junta*. The commissioner then transmits the amount in drafts upon Mexico, to the Junta, after deducting his commission, which is four per cent.

Q. 161.—Name some of the places where there are assaying offices in Mexico.

A. 161.—I will state the names of some that I remember: Guanajuato, Zacatecas, San Luis Potosi, Durango, Guadalajara, Chihuahua, Jesus Maria, Pachuca, Culiacan, Cosalá, Alamos, Parral, Simapau, etc., etc., etc.

Q. 162.—Did the collectors of the *real* per *marco*, or mining

fund, continue to collect it, and continue to remit it to the Junta at Mexico, during the war with the United States?

A. 162.—Yes, sir.

Q. 163.—When was it that the American army approached the capital; when did they take it, and how long did they hold it?

A. 163.—I don't remember; I paid no attention to it.

Q. 164.—Were you not in the capital at that time; and if so, how could you fail to recollect it?

A. 164.—I was there and in the neighborhood. It was about the month of August, and I think in 1847; but I don't remember. I don't remember how long they held the capital.

Q. 165.—During the time that the American army was encamped near the capital, and during the time they held possession of it, did the Junta continue to receive the mining fund of one *real* per *marco* on silver, and continue to exercise its usual functions?

A. 165.—It did; it, the Junta, was respected by the American army.

Q. 166.—Was it the custom of the Junta to make an annual report of its affairs to the government. Did it make such a report in 1844; and if so, at what time, and to what ministry?

A. 166.—It was usual. I presume such a report was made in 1844, but I do not remember it. Do not know to what ministry it was directed. The report was to the government; but I don't know what ministry it went to at any time.

Q. 167.—Was there such a report in 1845; and if so, to what ministry was it directed?

A. 167.—I can't remember.

Q. 168.—Was there such a report in 1846; and if so, to what ministry was it directed.

A. 168.—I can't answer this particular question, with reference to any year, because I do not know.

Q. 169.—When an application was made to the Junta de Fomento y Administrativa de Mineria for assistance, in what manner was it made, and to what officer was it first presented, and in what form was it presented?

A. 169.—First presented to the Secretary. I do not remember in what manner it was made.

Q. 170.—When the Secretary received such an application, did he make any entry respecting it in any book?

A. 170.—He made none when he first received it, or relating merely to the receipt of it.

Q. 171.—Did he not make some writing of some sort as a memorandum of the time of its receipt, the nature of the application, the person from whom it was received, etc.?

A. 171.—He kept the original paper itself, as the beginning of the expediente. Sometimes, in matters of urgency, he would mark upon the margin the time when it was received, so that it should appear there was no unnecessary delay on the part of the Junta; but this was not generally done.

Q. 172.—What next did the Secretary do with the application?

A. 172.—The next step was for the Secretary to present it to the Junta for its consideration.

Q. 173.—Was there any record kept of the discussions of the Junta on the subject of such applications?

A. 173.—The result of each day's deliberations was written down in a book, and signed by the gentlemen of the Junta. This record was called the Book of the *Actas*.

Q. 174.—Where is that book now?

A. 174.—In my possession, in the office in Mexico. Those books are not allowed to leave the office.

Q. 175.—Were not the final resolutions of the Junta, on the subject of any application, extended more formally than in the book of the *Acta*, or journal of their proceedings to which you have referred?

A. 175.—This book of the *Acta* is a formal record. The first and last sheets in the book are stamped. The book is stamped in the stamp-paper office, and the pages are all numbered in that office before it is stamped, so that it is the same as if each leaf was stamped. The same amount of fees were paid to the stamp-office as if each leaf were stamped. The *Administrador de papel Sellado* certifies on the first page of the book the number of pages in it. This book undergoes all this preparation before it is used by the Junta.

Q. 176.—Is this the only book in which the final resolutions of the Junta are recorded?

A. 176.—Yes.

Q. 177.—By whom are these *Actas* extended or written out. Upon what notes or information are they written out?

A. 177.—The contents of the *Acta* are always dictated, and sometimes written by the Secretary. Sometimes they are written by a Clerk or Escribiente under the dictation of the Secretary who witnesses the deliberations of the Junta.

Q. 178.—When the Junta acceded to any application which was made for their aid, was it not customary to give to the other party, a copy of their resolutions, or final action on his application, taken from the book of the *Acta* to which you have referred?

A. 178.—It was not. The party might ask for a copy if he desired it, but it was not the custom.

Q. 179.—When the Junta entered into engagements with an applicant, did they not give him a writing of some sort, and if yea, what sort?

A. 179.—It sufficed that there was evidence of it in the office. If the party desired, he could obtain a copy.

Q. 180.—Did not the Junta always, when it entered into engagements with any applicant, and who might on his part bind himself in onerous conditions, execute and deliver to him a writing of some sort, as evidence of his right, and if so, what sort?

A. 180.—If the party interested required a copy, he could obtain it, but it was not given to him unless it was asked for. The party could obtain a copy of the record of the proceedings of the Junta, or of the approval of the government. The Junta could not make any expenditures without the sanction of the government.

Q. 181.—Was not the Junta necessarily compelled to execute its agreements and contracts with the same formalities prescribed by law for individuals, or for other corporations?

A. 181.—It was.

Q. 182.—How then have you just said that it was not necessary for the Junta to execute any writings to applicants with whom it made agreements, and that they might ask for copies of the acts of the Junta, if they thought proper to do so, but that it was not necessary?

A. 182.—I have been spoken to with reference to business in general. If the nature of the business between the individual, and the Junta required that an *escritura publica*, (public writing,) should be made between them, they had it made. It depended upon the character of the business to be done.

Q. 183.—I understand you now then to say, that where there were obligations formed between the Junta and the applicant, that it was necessary to execute writings in the same manner as between other parties?

A. 183.—I do not know that the Junta was bound to make its agreements in the manner in which other parties were bound to make theirs, but I have sometimes known it to make its agreements in the manner in which other parties make theirs.

Q. 184.—Do you know of any law by which the Junta was exempted from the necessity of executing its contracts in the same manner from that in which individuals or other corporations contracted?

A. 184.—I do not.

Examination adjourned until to-morrow at 10½ o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

San Francisco, Cal., Oct. 28th, 1858.

Examination Resumed from Yesterday.

Q. 185.—From your answers I understand that there was neither law nor settled custom for the Junta to execute its agreements with applicants in writing, but that sometimes its obligations were put in writing which was delivered to the applicant, and sometimes they were not. Is this what you mean to say?

A. 185.—Sometimes the Junta made its contracts by a public writing, *escritura publica;* and sometimes the only evidence of the contract or obligation was the *Acta* of the Junta. This latter mode was resorted to in cases in which it was not necessary to have an *escritura publica*—cases in which it was sufficient for the parties to have a copy of the *Actas*, with the approval of the government.

Q. 186.—What sort of contracts were required to be executed by a public writing, and what sort in the other manner you have mentioned?

A. 186.—I can't classify them; I was only an Escribiente at that time; I cannot tell which it was necessary to make by a public writing, and which otherwise.

Q. 187.—Do you not know that the most important contracts would be executed with the greatest formality, such as those in which the Junta bound itself to advance public money, and the public property in their charge?

[Question objected to by Mr. Peachy, on the ground that it is asking the opinion of the witness on a matter of law, in which science he is not proved to be an expert.]

A. 187.—I do not know that it was necessary.

Q. 188.—Have you brought with you a copy of the *Actas* of the Junta in reference to the application of Andres Castillero?

A. 188.—I have not.

Q. 189.—Why did you not bring a copy of the *Acta* of the Junta upon his petition, that being, as you have said, a mode by which the Junta executed contracts and assumed obligations?

A. 189.—Because my business here was only to prove my own signatures, and to prove that the dates upon the documents in the expediente of which I have spoken, were the true dates of those papers, and to prove that they had been in my custody. I had nothing to do with any other matters.

Q. 190.—Who was it that told you to come here to prove precisely those things, and nothing more?

A. 190.—The agent of Mr. Barron, Mr. Emélio Pardo.

Q. 191.—Was it customary for applicants to have their petitions written out for them in the office of the Junta?

A. 191.—It was not; any person that wished to write it there could do so, or the person might take it there written.

Q. 192.—You have said that Andres Castillero brought a rough copy of his petition to the Junta, and that you wrote out a fair copy at his request. Was that the customary mode of making out the petitions to be presented to the Junta?

A. 192.—It was not the custom to have petitions drawn up in that way. Parties usually wrote them out themselves at the office or brought them there already prepared. If the party was a friend or acquaintance, an *Escribiente* would sometimes draw it up for him as an act of friendship.

Q. 193.—Was Andres Castillero one of your friends and acquaintances?

A. 193.—I first became acquainted with him about that time.

Q. 194.—What circumstances brought you into acquaintance with Andres Castillero about that time?

A. 194.—The only way I knew him was by his being there about that business, and by my having made a clean copy of that paper for him as directed by my superiors.

Q. 195.—How long had he been about there on this business at the time you made that copy?

A. 195.—Only a very few days; I don't remember how many.

Q. 196.—How many days?

A. 196.—I can only guess at the number of days. It may have been four or five days. I can't say exactly.

Q. 197.—Is there any circumstance by which you can recall the date of his arrival?

A. 197.—I do not know when he arrived there.

Q. 198.—Was that rough draft of the petition which you copied in the handwriting of Andres Castillero, and was his name signed to it by himself?

A. 198.—It was not signed; I don't know in whose handwriting it was.

Q. 199.—That rough draft is the original of the paper in Exhibit G. is it not; beginning on page, numbered in red ink, 19 and ending on page 22, in red ink, is a traced copy of the same rough draft which Andres Castillero brought to the Junta, and of which you made a fair copy for him, is it not?

A. 199.—This is a traced copy of the paper which he, Castillero, brought to the Junta, and of which I made a clean copy. The copy which I made was signed by Castillero and sent to the Ministry as the original for the government. The rough

draft of which this is a traced copy was retained in the office of the Junta, and placed in the expediente as a copy certified by the *oficial primero*, Ysidro Rafael Gondra.

Q. 200.—Do you know why it was that Andres Castillero should present to the Junta a petition asking of the Junta most extraordinary favors, and yet the petition not in his own handwriting, and not signed by himself, though bearing his name?

[Mr. Peachy objects to the question upon the ground that it is assumed as a fact what is not proved, but the contrary of which is proved.]

[Counsel for the United States informs the witness that his reference is to the paper which the witness calls the rough draft, and says that Castillero brought to the Junta, and witness copied by direction of his superiors.]

[Mr. Peachy objects to the question on the same ground as he did before.]

A. 200.—The gentleman is mistaken in supposing that this rough copy is the original. The true original is that which I copied from the rough draft, which Castillero signed, and which was sent to the government.

Q. 201.—I call that the original which Castillero brought to the Junta, and which your superiors ordered you to copy. Why was it, if you know, that this paper is not in his handwriting, and not under his signature, though bearing his name?

A. 201.—I cannot say why this was done. All I know is that I was ordered to make a clean copy of it, which I did, and which copy he signed.

Q. 202.—The paper that you call the original and which he actually signed, you say was sent to the government. On its face it was addressed to the Junta. Was it not the invariable custom of the Junta, as well as of all the other branches or dependencies of the government, to retain the originals of papers addressed to them, and to transmit copies with their communications, so that in this manner they might always have in their own keeping the papers bearing the genuine signatures of the writers?

A. 202.—It very often happened that the original was sent to the government, and a copy kept by the Junta. This is one of those cases. At other times, the Junta kept the originals, and sent a copy to the government.

Q. 203.—In this most important business of Andres Castillero's petition, I understand you to say that the Junta sent away the original, and retained only a copy of the paper on which the whole transaction rests?

A. 203.—Yes.

Q. 204.—Do you know of any other instance in which the Junta sent away one of their original papers, and kept a copy?

A. 204.—I remember other instances of this kind; but I don't remember the particulars of them.

Q. 205.—Do you know of any other instance in a matter of great importance, where the applicant brought to the Junta his petition, not in his own handwriting, not signed by himself, though bearing his name, and got it copied in the office of the Junta?

A. 205.—I do not remember.

Q. 206.—Did you ever in any other case make a copy of a petition for an applicant, in the office of the Junta?

A. 206.—I don't remember of any other instance of the kind. I remember this because I examined the original expediente, and studied the matter before I came.

Q. 207.—Do you know of an instance where the Junta made a contract like this with Castillero with any other person? I mean a contract without any writings delivered, and to furnish large advances of money and materials on such terms as are set forth in the alleged contract with Castillero.

A. 207.—I do not remember.

Q. 208.—Do you know of any instance in the year 1846, where the Junta made any sort of a contract, or furnished any money or materials for the development and working of any other mine than this of Castillero.

A. 208.—I do not remember of any other.

Q. 209.—To Exhibit G. there is appended a certificate that the writings contained in the said Exhibit are a true, exact traced copy of their originals in your charge, which certificate bears date of 24th May, 1858. At whose request, in what manner, and for what purpose, did you make that copy at that date?

A. 209.—I did not make those copies myself. I delivered the expediente to the Administrador del Fondo, who is my surior, and I do not know by whom he had the copies made. These copies are pressed copies. They are made by moistening this transparent paper, spreading it over the original, then placing them in a press, and pressing them together.

Q. 210.—How did you know that it was a true and exact copy if it was not made by yourself. Did you afterward compare the copy with the expediente when you regained possession of it?

A. 210.—Because I did compare the copy with the original afterward. The proof that I did compare it is, that I made a rubric in red ink on each page of the copy.

Q. 211.—From the manner in which these copies are made, and from your own comparison, they are correct to the word and letter, are they not?

A. 211.—They are exact in every thing, even to the blots in the expediente.

Q. 212.—Were you afterward present at any other examination of the originals with these copies comprised in Exhibit G.? If so, when, where and by whom was the comparison made?

A. 212.—A few days before I left Mexico, which was on the 6th August, 1858. I was present when they were compared by Mr. Brodie, Mr. Pardo, the American Minister, and the English Consul. This was done in my office.

Q. 213.—Was this Mr. Brodie the person who was sent down from California for that purpose, by some of the persons interested in this claim; and this Mr. Pardo, the same agent of Eustaquio Barron, of whom you have before spoken?

A. 213.—They are the same persons.

Q. 214.—You have said that the first document in Exhibit H. is in your handwriting, and was written by you on the twenty-first day of April, 1846, which date it bears. Do you remember whether Andres Castillero was in the city of Mexico at that time? I refer to the communication signed by Vicente Segura, and addressed to General José Maria Tornel, relating to the mine which Castillero had discovered.

A. 214.—I don't remember whether he was in Mexico, or not, on the 21st of April, 1846; I know he was there in May when he signed the petition.

Q. 215.—Where has this paper, viz: the communication from Segura to Tornel, which you say is in your handwriting, been kept since it was written and transmitted?

A. 215.—In the *Direccion del Colegio de Mineria.*

Q. 216.—When did you next see it after the 21st of April, 1846?

A. 216.—The day we went to make the comparison.

Q. 217.—Then I understand that you had never seen it from the 21st April, 1846, until late in the month of July, 1858, when you saw it in the hands of Brodie and Pardo, both of whom were agents of Eustaquio Barron and others interested in this claim?

A. 217.—I did not see it from 21st April, 1846, until the time when the comparison was made. It was compared by those persons in the office of the *Direccion*, and in the presence of the *Director* himself.

Q. 218.—Who was President of Mexico in December, 1845?

A. 218.—I do not remember.

Q. 219.—Who was President in January, 1846?

A. 219.—I don't know who was President then either. In Mexico we have so many changes, it is difficult to remember who was President at any particular time.

Q. 220.—Who was Director of the College of Mining in December, 1845?

A. 220.—Tornel. I don't remember whether he was in December, 1845, because he was expatriated for some time, and during that time Don Tomas Ramon de Moral was Director, *ad interim*.

Q. 221.—When, by whom, and for what was Tornel banished?

A. 221.—Don't know when he was banished, or by whom. The cause of his banishment, no doubt, was that he was a political opponent of the government.

Q. 222.—Have you any reason to think that Tornel was in exile, and was not Director of the College, in Dec. 1845?

A. 222.—I have not. I know that he was banished at one time; I don't know when.

Q. 223.—Have you any reason to think that he was in exile, and not Director of the College, at any time during the year 1845?

A. 223.—I only know that he was banished at one time; don't know the year. During his banishment, the Director was Don Tomas Ramon del Moral.

Q. 224.—Do you remember any revolution in the month of December, 1845?

A. 224.—I remember there was one in December, 1844, because they compelled me to be a soldier, but don't remember one in December, 1845.

Q. 225.—When revolutions occurred, was it customary to remove such officers as members of the Junta de Fomento, etc., and the Director of the National College of Mining?

A. 225.—It was not usual to do so.

Q. 226.—Who was Minister of Justice in December, 1845?

A. 226.—I don't remember.

Q. 227.—Who in January, 1846?

A. 227.—I don't remember.

Q. 228.—Who in February, March, April, 1846?

A. 228.—I do not remember. I do remember that Becerra was Minister of Justice when this business was transacted, because his signature is there.

Q. 229.—Is it possible that you had so much business with Becerra as to be able to swear to his signature, and yet do not know when he was in office at any time except at the date of this one signature, to which you have sworn?

A. 229.—The only reason why I remember he was Minister at that time is that he signed that paper.

Q. 230.—Who was President of Mexico in February, March and April, 1846?

A. 230.—I don't recollect.

Q. 231.—Who was President at the time the grant alleged in this case was made?

A. 231.—I don't remember.

Q. 232.—I mean, who was President in May, 1846, at the date of the several decrees signed Becerra?

A. 232.—I don't remember.

Q. 233.—In Exhibit I. you say that the body of the instrument, commencing at page 2, in red ink, and ending at page 5, in red ink, being communications signed Vicente Segura, and addressed to the Minister of Justice, dated May 5th, 1846, and the marginal notes on page 2, down to the word Mayo, are in your handwriting; and also that the instrument commencing on page 17, red ink, and ending on page 22, red ink, signed Andres Castillero, addressed to the Junta de Fomento, etc., dated May 12th, 1846, is in your handwriting. When and where did you next see said papers after their respective dates?

A. 233.—The first time I saw them after the day of their dates, was when we made the comparison at the Ministry of Relations, where the expediente is kept. The same Brodie and Pardo, the American Minister and English Consul, with myself, all went there together to make the comparison.

Q. 234.—At whose request, and for what purpose, did you go?

A. 234.—I went at the request of the same Pardo, with the object of witnessing the comparison and coming here to give my testimony.

Q. 235.—Where had these papers been kept from the time of their date until you saw them in the hands of Brodie and Pardo?

A. 235.—In the Ministry of Justice. This expediente began in the Ministry of Justice, and is now kept in the Ministry of Relations.

Q. 236.—Do you know how these papers came to be removed from the Ministry of Justice to the Ministry of Relations. Do you know whether all the business concerning the Junta, and the subject of mining generally, was at any time transferred from the Ministry of Justice to the Ministry of Relations; and if so, when, and for what cause?

A. 236.—I don't know why they were so transferred, or whether the business referred to was ever transferred from the Ministry of Justice to the Ministry of Relations.

Q. 237.—In the year 1847, through what ministry did the Junta communicate with the government on the subject of ad-

advancing money and materials to aid in the development of mines? I mean such business as this which you say was transacted with Castillero in 1846.

A. 237.—I don't remember.

Q. 238.—Through what ministry, in the years 1849, 1850, 1851 and 1852?

A. 238.—I don't remember.

Q. 239.—In what manner were these copies contained in Exhibit I. made. Are they pressed copies?

A. 239.—They are all made in the same manner. They are pressed copies, I did not see them made, but know how it was done.

Q. 240.—Are not the signatures of Castillero, Becerra, and of Vicente Segura, where they appear in these Exhibits "G." and "I." made with a pen, and not by pressing?

A. 240.—They are not made with a pen. They are pressed copies.

Q. 241.—How do you know that Exhibit "G." which you certified to in the month of May, 1858, and Exhibit "I." about which I have just questioned you, and both of which I have just shown you, are pressed copies, and not made with a pen?

A. 241.—The Chief of my office told me that that was the way they were made, and it would be impossible to make them with a pen.

Q. 242.—Do you remember copying those papers which are in your handwriting, simply because they are in your handwriting, and bear their respective dates, or do you remember other circumstances connected with them occurring at the time when you were writing them?

A. 242.—I remember perfectly well seeing Mr. Castillero, and that I was ordered to make the copy which I did, and I have the expediente in my charge, and I have seen it occasionally.

Q. 243.—Do you mean to say now that any of the papers in that expediente that you have in your charge are in your handwriting?

A. 243.—No, sir. We have already seen that there are none in my handwriting.

Q. 244.—Then you have not among the archives under your charge, in Mexico, a single paper relating to the claim of Castillero which is in your handwriting?

A. 244.—There may be in the *Acta* of the Junta, but I do not remember. No paper in the expediente in my charge is in my handwriting.

Q. 245.—Do you remember the circumstances connected with the writing of any other paper which you wrote in your office in the year 1846?

A. 245.—I cannot. This I recollect because I studied it, for my purpose in coming here was to testify about it.

Q. 246.—In the Ministry of Relaciones in Mexico, is there the office of Archivero, like that which existed in the Junta, as it appears?

A. 246.—There is an Archivero in each of the Ministries.

Q. 247.—In the Ministry of Relations, is that of the Archivero a separate and distinct office?

A. 247.—It is.

Q. 248.—Do the *oficiales*, or *escribientes*, or any of them, or any of the other employees, perform this duty of Archivero in connection with other duties, or do you mean, that the keeping of the archives is the sole and exclusive duty of the Archivero?

A. 248.—It is the exclusive duty of the Archivero.

Q. 249.—Is there also in the National College of Mining, a like separate and distinct office of Archivero?

A. 249.—There is not.

Q. 250.—Who keeps the archives of that Institution?

A. 250.—The Director keeps them.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Cal., October 29, 1858.

By consent of parties, examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, CAL., October 30th, 1858.

EXAMINATION RESUMED FROM YESTERDAY.

Q. 251.—Exhibit "K." at the comparison of which with its original by Brodie and Pardo you assisted, comes from the Ministry of *Gobernacion*. Is there in that Ministry a distinct office called the Archivo in the custody of an officer called an Archivero whose business it is, exclusive of all others, to keep the archives of that Ministry?

A. 251.—There is such an office in that Ministry, in charge of an Archivero, whose duty it is to keep the archives. He may have a Clerk.

Q. 252.—Do you know anything about the manner in which business was conducted in the Ministry of Justice, in 1846, or in any other of the ministries of that date, or at the present time?

A. 252.—The manner of doing business, I presume, is the same now as it was formerly. The petition is presented to the proper Minister, and when he has ascertained the will of the government in relation to the matter, he states it on the margin, and then hands it to the proper officers or clerks, to have it carried out. This statement on the margin is called the *acuerdo*, or resolution of the government in reference to the subject.

Q. 253.—Do you mean that the manner of conducting business in the Ministry of Justice in 1846, was just such as appears on the papers of Andres Castillero?

A. 253.—It is, and has always been the same.

Q. 254.—In what manner did you obtain your information on this subject. Did you ever have the opportunity of seeing how the business of the Ministry was conducted, in any other instance but this of Andres Castillero?

A. 254.—I have seen a multitude of other instances.

Q. 255.—Mention some one other instance.

A. 255.—I cannot remember any one.

Q. 256.—You have said that you studied this business of Castillero, in order to come here and testify about it, and therefore that you remember the circumstances connected with it, whilst you cannot remember other circumstances occuring about the same date. Please explain what sort of study it was, which refreshed your memory in this manner?

A. 256.—Having taken the expediente, and knowing of these occurrences, I recollected them at once.

Q. 257.—When was it that you took up this expediente, and had these circumstances recalled to your memory, and at whose request?

A. 257.—It was when Mr. Lafragua came and asked me for it to take some data from it, about two years ago and over, and also when Mr. Pardo came to get these copies. The time when Mr. Pardo came to get these copies was in May last.

Q. 258.—Had you at that time seen Mr. William E. Barron, or spoken to Mr. Eustace Barron about the claim of Andres Castillero to the New Almaden Mine?

A. 258.—When Mr. Pardo first went for these copies, Mr. William E. Barron was with him. They spoke to Don Vicente Segura, but not to me. Up to this time I had not seen either Mr. Eustace, or William E. Barron about the matter.

Q. 259.—Did you afterwards in the month of May last past,

have any conversation with Mr. William E. Barron in the city of Mexico touching the title of Andres Castillero to the mine of New Almaden?

A. 259.—No, I had not.

Q. 260.—Did you not have a conversation with Wm. E. Barron in the city of Mexico, in the month of May last past, in which you told him personally that you were Clerk in the Junta de Fomento, etc. in 1846, and had been so since the year 1844, that you were well acquainted with Andres Castillero in May, 1846, that at the request of Andres Castillero you copied his original proposals to the Junta de Fomento, etc. which were signed by Castillero in your presence in the office of the Junta on the 12th May, 1846, that said original petition was inclosed in a letter of Vicente Segura to the Minister of Justice on the 14th May, 1846, etc. etc.?

A. 260.—There was a conversation which I had with Don Vicente Segura and Mr. Wm. E. Barron when he came for the copies. It was not addressed particularly to Mr. Barron.

Q. 261.—You have just said that Messrs. Pardo and Wm. E. Barron spoke to Mr. Segura about the claim of Castillero, but not to you, and now you say that you had a conversation with Mr. Wm. E. Barron and Segura at great length relating all you know about this title. Which of these statements am I to believe?

A. 261.—I never had any private or particular conversation with either of them. It is my duty as Secretary to be present at any interview which may occur between my Chief (Segura) and any person who may come to the office on official business, in order that I may give whatever information is required.

Q. 262.—Who do you mean by "either of them," in saying that you had no particular conversation with either of them?

A. 262.—Wm. E. Barron and Pardo.

Q. 263.—Do you mean that you never had any but this official sort of interview with Pardo, the agent of Eustace Barron, to whom you have so often referred to in this deposition, and with whom you traveled to California?

A. 263.—I had no other conversation with him except when he requested me to come here to give my testimony. This was about the last of July.

Q. 264.—Did you not tell Mr. Wm. E. Barron in the city of Mexico that you remembered to have seen the specimens of ore and quicksilver referred to in Castillero's document, about the time of their date, and when the matter was under consideration in 1846?

A. 264.—I stated this at the time that he had the interview

with the Administrador, Mr. Segura, and when I showed him those specimens, which are still there.

Q. 265.—Are you certain that you showed Mr. Barron the specimens of the ore, and that you did not tell him that you had seen such specimens in 1846, but they had been then sent to the Mining College to be assayed?

A. 265.—I am sure that I did show him the samples. I do not remember whether or not I told him they had been sent to the College to be assayed, but I know that they were so sent.

Q. 266.—Then these are the same specimens which were sent to the College to be assayed, which were there assayed, and afterwards returned to the Junta. Are you sure of this?

[Mr. Peachy objects to the question upon the ground that it assumes the witness has said what he has not said.]

A. 266.—No; pieces of the same stones were sent to the College, and the remainder was kept at the Junta.

Q. 267.—Is there not in the National College of Mining a cabinet of Mineralogy, which would be the proper place to deposit the specimens of quicksilver and such of the ores as were not assayed. For what purpose should such things be kept among the archives of the Junta, and not among those of the Administracion del Fondo de Mineria?

[Question objected to by Mr. Peachy, because it assumes the witness has said what he has not said, to wit: These specimens of cinnabar were deposited in the archives of the Junta de Mineria.]

A. 267.—There is such a cabinet, in which I presume there are specimens of this ore, a part of the specimens sent to the College for assay. I do not know this, but suppose it to be so. Besides this, we have a collection of our own in the office of the Junta.

Q. 268.—Is this collection of your own a large one; by whom were the specimens collected, and by whom kept in 1846, and by whom now?

A. 268.—It is a small collection of about thirty or forty pieces. It is in my office, and is not and never was under the special care or charge of any particular person. It is kept in a case in my office. It was not selected by any particular person.

Q. 269.—Was it a part of your official duty, when you produced the expediente before your chief in May last, in the presence of Pardo and Wm. E. Barron, to relate such small particulars and private matters as your acquaintance with Castillero in May, 1846, your making a copy of a paper for him at his request, and your having seen the specimens above referred

to; or were these communications drawn from you by questions, and if yea, were those questions put by Segura, by Pardo, or by Wm. E. Barron?

A. 269.—It is my duty to answer any inquiries put to me by my chief. When I presented the expediente, Mr. Segura inquired of me what I knew about these matters, and I then stated what I have since stated here.

Q. 270.—Do you know any thing more of the manner in which business is or was conducted in the office of the Ministry of Justice than what you have stated. Can you tell me what sort of writings or documents it was proper, in 1846, for the Minister to sign with his rubric alone; what with his half signature, and what with his whole signature?

A. 270.—I do not know what documents or writing it was necessary for him to sign in the three different manners named. I know nothing more of the mode of doing business in that ministry than what I have stated.

Q. 271.—Who was Minister of Relations of Mexico in the month of November, 1845?

A. 271.—I don't remember.

Q. 272.—Who was Minister of Relations in the month of February, 1846?

A. 272.—I don't remember.

Q. 273.—Who in June, 1846?

A. 273.—I don't remember.

Q. 274.—Who in March and April, 1846?

A. 274.—I don't remember.

Q. 275.—Who in the month of May, 1846?

A. 275.—I don't remember, but this matter makes me think it was Castillo Lanzas, but I am not sure.

Q. 276.—You mean that you suppose that Castillo Lanzas was Minister of Relations in May, 1846, only because you see his name on some of Castillero's papers. Is that it?

A. 276.—It is because I know he was Minister at other times before now, and because I see his name on these papers.

Q. 277.—Are your parents, or either of them alive, and if so, where do they live?

A. 277.—They are both dead.

Q. 278.—Is Bernardo Couto, who signed the treaty between Mexico and the United States, and who you say is your uncle, alive; if so, where does he live?

A. 278.—He is alive, and lives at Number 7, Calle de la Acequia, city of Mexico.

Q. 279.—Please refer me to some other of your relations or acquaintances living at the Capital, or elsewhere in Mexico.

A. 279.—General Miñon is my first cousin; Don Juan Couto

is an uncle of mine; José Maria Couto is my brother; Gabriel Sagazeta is married to my wife's sister; Miguel Corral is my cousin; Agustin del Rio is my brother-in-law; General Partearrollo is my cousin.

DIRECT EXAMINATION RESUMED.

Q. 62.—Do you know enough of the book called Guia de los Foresteros to say whether it is accurate?

A. 62.—It is not correct in reference to the *planta* of the Junta. It is also incorrect in reference to the *Tribunal Mercantil.* At the date of the book this *Tribunal* did not exist.

Q. 63.—Look at the reverse of the title page of this book, and read the note by the author, so that it may be incorporated in your answer.

A. 63.—[Here the witness reads the note, which is translated by the interpreter, to wit:] "This is the property of the author, who requests parties interested to inform him in whatever manner they please of the defects, errors or omissions which they may find in it, to have those corrected, and these filled up in the future.

Q. 64.—Did you see made any of the copies of the documents in Mexico, that you here testified about, being Exhibits G., H., I. and K?

A. 64.—I did not.

Q. 65.—Do you know the difference between a traced copy and a pressed copy?

A. 65.—I do not.

Q. 66.—Look at Exhibit O., and say whether you suppose it to be made in the same manner as the other Exhibits, G., H., etc.

A. 66.—I see no difference between this copy and the others.

[NOTE.—Exhibit O. is a certified copy from the office of the U. S. Surveyor-General for California, made on tracing paper.]

Q. 67.—Did you ever see a copy of a document made by placing over each page a sheet of transparent paper, and tracing with a pen on this paper the words to be copied?

A. 67.—I have never seen a copy made in that way.

Q. 68.—Look at Exhibits G., H., I. and K. and say whether they are pressed copies or traced copies, that is if you can determine by inspection, now that your attention has been drawn to the two modes of copying?

A. 68.—I am not sufficiently acquainted with such matters as to be able to tell the difference between a traced copy and a pressed copy.

Q. 69.—When a person desires to obtain a certified copy of

any document in the archives of any department of the government of Mexico, state, if you know, how he proceeds to obtain such a copy, and by whom is the copy certified?

A. 69.—If the office from which the copy is desired is not a Ministry, say for instance my office, a party makes a petition to the Chief of the office, and he orders the Secretary to have a copy made. The Secretary orders some *Escribiente* to make the copy. The Secretary then certifies it, and delivers it to the Chief, who delivers it to the applicant. If the office from which the copy is desired is a Ministry, a petition is made to the Minister, and if he determines to allow the copy to be taken he signifies his approval upon the petition. This approval is called his *acuerdo*. The Minister then delivers this to the *oficial Mayor*, and he directs the Archivero to have the copy made, which is done accordingly. The copy is then delivered to the *oficial Mayor*, and if it is to be used within the Republic, it is certified to by him. It is then delivered to the applicant.

Q. 70.—Does the *Archivero* certify copies of papers in his charge?

A. 70.—He does not.

CROSS-EXAMINATION RESUMED.

Q. 280.—Please, if you can, file with this deposition a copy of the law of 28th June, 1852, by which you have said the Junta del Fomento y Administrativa de Mineria was abolished. Will you do so?

A. 281.—I will produce the law and let you copy it.

Q. 281.—During the fourteen years that you have been connected with the Junta de Fomento, etc., and the present Mining Tribunal or establishment, or whatever it may be, have you ever seen a copy of an expediente made in the office of either of the said tribunals, or establishments by tracing in the manner which has just been explained to you?

A. 281.—I have not.

Q. 282.—During the same period, have you not occasionally seen copies of documents coming from some of the Ministries or other public offices in Mexico?

A. 282.—I have, very frequently.

Q. 283.—Do you remember to have been told, or that in any manner it came to your knowledge, that any of the last mentioned copies were made by the process of tracing before mentioned?

A. 283.—I did not hear of any such. What we call a copy there is merely a written one made by some *Escribiente*.

[NOTE.—The Interpreter here states that wherever he has

represented the witness as having used the expression "traced copy," in this deposition, he was mistaken in attributing to the witness the use of those words. He did not translate to the witness literally the words "traced copy," but in lieu of those words he used the words "true and exact copy." The language of the witness in reference to these copies spoken of as "traced copies," was that they were "true and exact copies."]

Q. 284.—Why was it that the expediente among the archives in your keeping was not copied by yourself, or by your Escribiente or Clerk, in the manner you have described as the proper course of business?

A. 284.—Because the party interested chose to have them made as they are.

Q. 285.—Then these traced copies in these Exhibits are, so far as you know, the only traced copies that ever were made in Mexico?

A. 285.—I know of no other.

Q. 286.—How do you know they were made in Mexico at all, and were not brought there ready made?

A. 286.—Because they are exactly the same as the expediente.

Examination adjourned until Monday next, the 1st Nov. at 11 o'clock, A. M.

W. H. CHEVERS,
U. S. Commissioner.

SAN FRANCISCO, Cal. Monday, Nov. 1st, 1858.

EXAMINATION RESUMED FROM SATURDAY LAST.

Q. 287.—Can you now furnish me with a copy of the law of the 28th June, 1852, by which the Junta de Fomento y Administrativa de Mineria was abolished?

A. 287.—I can. Here it is in my own handwriting.

DIRECT EXAMINATION RESUMED.

Q. 71.—Will you please to furnish me with a copy in your own handwriting, of the two Mexican decrees, or laws, which regulate respectively the use of the great seal of the Republic of Mexico; prescribing the instruments on which it may be affixed, and regulating the mode in which instruments shall be authenticated to be used in foreign countries?

A. 71.—I will.

[The witness produces copy of the decree of 28th June, 1852, called for by counsel for the United States and also copy of the decree of 28th October, 1853, and also copy of the decree of 20th of June, 1853, the last two being called for by counsel for the claimant and are marked respectively Exhibits "A.," "B." and "C."]

MANUEL COUTO.

Sworn to and subscribed before me, this 2d day of November, A. D. 1858.

W. H. CHEVERS,
U. S. Commissioner.

—

EXHIBIT A.

El E. S. Presidente se ha servido dirijirme el decreto que sigue:

Mariano Arista, General de Divicion y Presidente de los Estados Unidos Mejicanos:

A los habitantes de la Republica, sabed:

Que con el fin de arreglar la administracion del Fondo de Mineria que á virtud de la Ley de 30 de Noviembre del año de 1850, quedó incorporada á las ventas de la federacion, he tenido á Cien, usando de la facultad que me concede la ley de 21 de Mayo ultimo, decretar lo siguiente:

Articulo 1°. El Fondo de Mineria será administrado por un empleado que nombre el Gobierno y bajo la inspeccion del Ministerio de Hacienda.

Articulo 2°. La planta y dotacion de los empleados de la administracion será la que sigue:

Un Admor. con el sueldo anual de.....		3,000 0
Un Srio. á cuyo cargo estará el archivo.....		1,600 0
Un Escribiente.....		600 0
CONTADURIA.		
Un Contador tenedor de libros.....	1,600 0	
Un Escribiente, cont. de moneda.....	600 0	
Un mozo de oficios.....	360 0	
Un velador.....	180 0	
Para gastos de oficina.....	250 0	
		2,990 0
Suma.....		8,190 0

Articulo 3º. Los acreedores, en virtud del convenio que celebraron con el Gobierno el 19 de Febrero de 1851, continuaran nombrando su apoderado para que interoenga en la administracion del fondo, y cuide que sean pagados los reditos en los terminos estipulados en dicho convenio. Este apoderado será espeneado por los mismos acreedores.

Articulo 4º. Al Administrador del Fondo de Mineria, corresponde:

1. Colectar y administrar los fondos de que trata el presente decreto, nombrando al efecto, vajo su responsabilidad, á los colectores foraneos.

2. Pagar los gastos de su ramo, previo presupuesto aprovado mensualmente por el Gobierno; requisito que obserbará igualmente para caulquer gasto estraordinario que se ofresca.

3. Remitir su valance mensual al Ministerio de Hacienda y á la Tesoreria general, á la que embiara su cuenta anual un mes despues de concluido el año economico.

4. Causionar su manejo á satisfaccion del propio Ministerio de Hacienda.

5. Pagar mensualmente los gastos del Colegio de Mineria, previa orden del Ministerio respectivo á cuyo cargo está la instruccion publica, comunicada por el dé Hacienda.

6. Pagar por tercios vencidos y á virtud de orden de la Tesoreria general, los reditos á los acreedores de Mineria.

7. Promover con la mas eficas solicitud el fomento del importante ramo de mineria y su Colegio.

8. Establecer en la oficina la cuenta vajo el sistema de partida doble.

Articulo 5º. El dia primero del inmediato Julio en que comienza el año economico, la actual junta de mineria entregará al Administrador que se nombre, conforme al presente decreto, las existencias que tubiere, los muebles, utiles y encores de oficina, y cuanto mas pertenesca al fondo; haciendose inventario ciscunstanciado de todo, el cual será intervenido por el gefe de la seccion directiva del Ministerio de Hacienda, á cuyo conocimiento corresponda.

Articulo 6º. Los empleados de la planta que señala este decreto, quedan sujetos á lo que dispone la ley de 21 de Mayo de este año.

Por tanto, mando se imprima, publique, circule y se le dè el devido cumplimiento.

Palacio del Gobierno Nacional en Mejico á 28 de Junio de 1852.

MARIANO ARISTA.

A Dn. Marcos Esparza.

Y lo comunicó á V. para su inteligencia y efectos correspondientes.

Dios y Libertad. Mejico, Junio 28, de 1852.

ESPARZA.

—

TRANSLATION OF EXHIBIT A.

His Excellency, the President, has been pleased to address to me the following decree:

Mariano Arista, General of Division and President of the United Mexican States:

To the inhabitants of the Republic, be it known:

That for the purpose of regulating the administration of the mining fund, which in virtue of the law of 30th November, 1850, was incorporated with the federal revenues, in exercise of the powers conferred on me by the law of 21st May, ultimo, I have thought proper to decree as follows:

Article 1. The mining fund shall be administered by an officer appointed by the government and under the inspection of the Ministry of Finance.

Article 2. The number and salaries of the *employees* of the administration shall be as follows:

An Administrator with the yearly salary of.....		$3,000
A Secretary, to have charge of the archives.....		1,600
A Clerk.....		600
ACCOUNTANT'S OFFICE.		
An accountant, book-keeper.....	$1,600	
A clerk, teller.....	600	
A servant or messenger.....	360	
A watchman.....	180	
For office expenses.....	250	
		2,990
Total.....		$8,190

Article 3. The creditors, in virtue of the agreement entered into with the government of the 15th February, 1851, shall continue appointing their agent who is to intervene in the administration of the fund and see that the interest is paid in the terms stipulated in said agreement. The agent to be at the expense of the creditors.

Article 4. It shall be the duty of the Administrator of the mining fund:

1. To collect and manage the funds of which the present decree treats, and to this effect to appoint, under his responsibility, the exterior collectors.

2. To disburse the expenses of his branch, after the monthly approval by the government of the estimates; which requisite shall be observed, also, when any extraordinary expense is to be incurred.

3. To forward his monthly balance-sheet to the Ministry of Finance and to the general treasury, to which he shall also present his annual account one month after the end of the fiscal year.

4. To give bonds for his management, to the satisfaction of said Ministry of Finance.

5. To pay, monthly, the expenses of the College of Mining, subsequent to the order of the respective ministry in charge of the branch of public instruction, communicated by the Ministry of Finance.

6. To pay by thirds, as due, and by virtue of the order of the general treasury, the interest to the creditors of the mining fund.

7. To promote, with the greatest efficacious solicitude, the advancement of the important branch of mining and its college.

8. To establish the accounts of the office on the system by double entry.

Article 5. On the first day of July next, which commences the fiscal year, the existing Mining Junta will deliver over to the Administrator to be appointed in conformity to the present decree, the articles or stock in hand, furniture, utensils and effects of the office, and everything else belonging to the fund, causing to be made a minute inventory of the same, in the which shall intervene the chief officer of the directory section of the Ministry of Finance whose duty it may be to have cognizance of the same.

Article 6. The whole of the officers or employees established by this decree shall be subject to the provisions of the law of 21st May of the present year.

Therefore, I ordain that this decree be printed, published, promulgated, and due fulfillment be given to it.

Palace of the National Government in Mexico, the 28th of June, 1852.

MARIANO ARISTA.

To Don MARCOS ESPARZA.

And I communicate the same to you for your information and corresponding effects.

God and Liberty. Mexico, June 28, 1852.

ESPARZA.

—

EXHIBIT B.

MINISTERIO DE RELACIONES EXTERIORES:

El E. S. Presidente de la Republica se ha servido dirijirme el decreto que sigue:

Antonio Lopez de Santa Ana, Benemerito de la Patria, General de Divicion, Caballero gran Cruz de la Real y distinguida orden Española de Carlos 3°., y Presidente de la Republica Mejicana:

A los habitantes de ella, sabed: Que en uso de las facultades que la nacion se ha servido conferirme, he tenido á bien decretar lo siguiente.

Articulo 1°. Los documentos otorgados en la Republica con el objeto de que hagan fe en el esterior, tendran la que les conceda el derecho, siempre que en ellos concurran las calidades que á continuacion se espresan, segun la clase á que pertenezcan.

Articulo 2°. Si los documentos fueran autorizados por algunos de los Secretarios del despacho, Ministeros de la Corte de Justicia ó Gobernadores de los departamentos, la firma será legalisada por el oficial mayor de la Secretaria de Relaciones.

Articulo 3°. Si el documento fuere autorizado por alguna de las Secretarias de la Corte por cualesquiera otros tribunales de la nacion, ó por alguno de los empleados del orden judicial del distrito su firma será comprovada por el Ministro semanero de la Corte Suprema. Pero si la espedicion del documento se hiciere por un funcionario, oficina ó empleado del orden gubernativo del mismo distrito, su firma será comprovada por el Gobernador del mismo, y tanto la de este como la del Ministro semanero, seràn legalizadas por el oficial mayor de la Secretaria de Relaciones.

Articulo 4°. Para que los documentos otorgados en los departamentos tengan fuera de la Republica y en el Distrito federal la fe que les concede el derecho vastará que la firma que los autoriza sea comprovado por el Gobernador y la de este legalizada por el oficial mayor de la Secretaria de Relaciones.

Articulo 5°. La firma del oficial mayor de dicha Secretaria será refrendada por el agente diplomatico ó consular de la Republica, residente en el lugar ó distrito de la nacion donde deva producirse el documento; y si alli no lo hubiere, por el mas inmediato.

Articulo 6°. Los documentos de fuera de la Republica tendran en esta la fe que les concede el derecho, siendo otorgados en la forma prescrita por las leyes del pais en que se otorguen, y por las autoridades ó funcionarios á quienes ellas cometan tal encargo. Las firmas que los autorizan serán comprovadas por el agente diplomatico ó consular de la Republica residente en el lugar ó distrito de su otorgamiento quien dará fe de haber sido otorgado por persona legalmente autorizada para ello, con espresion de su caracter publico, y que de notoriedad le consta hallarse espedita en el ejercicio de sus funciones. La firma del Ministro ó agente consular de la Republica, que haya hecho la comprobacion, será legalizada en Mejico por el oficial mayor de la Secretaria de Relaciones.

Articulo 7°. A los actos de registro y de notarios autorizados por los agentes diplomaticos y consulares de la Republica en el estrangero, se dará la fe y credito que les concede el derecho de las naciones; pero si ellos hubieren de tener su ejecucion en la Republica, solo será permitida siempre que se haga otro tanto con iguales actos de la misma en el pais de que aquellos procedan, bien por convenio espreso ó por conformidad del respectivo representante diplomatico que asi lo estipulare. Los actos de comprobacion que ejersan, solo tendrán plena fe cuando recaigan sobre la firma de funcionarios publicos en instrumentos de la misma clase ó en documentos oficiales.

Por tanto, mando se imprima, publique, circule y se le de el devido cumplimiento.

Palacio Nacional de Tacubaya, à 28 de Octubre de 1853.

ANTONIO LOPEZ DE SANTA ANA.

A D°. MANUEL DIEZ DE BONILLA.

Y lo traslado à V. para su conocimiento, y fines consiguientes.

Dios y Libertad. Mejico, Octubre 28 de 1853.

BONILLA.

TRANSLATION OF EXHIBIT B.

MINISTRY OF EXTERIOR RELATIONS:

His Excellency, the President of the Republic, has been pleased to send me the following decree:

Antonio Lopez de Santa Anna, Well-deserving of his Country, General of Division, Knight Grand Cross of the Royal and distinguished Spanish Order of Charles the Third, and President of the Mexican Republic:

To the inhabitants of the same, be it known: That, in exercise of the powers which the nation has been pleased to confer upon me, I have thought proper to decree as follows:

Article 1. Documents made or executed in the Republic, with the purpose of serving as evidence in foreign countries, shall receive the evidence conceded to them by the laws, when they have the conditions or qualifications hereinafter expressed, according to the class to which they may belong.

Article 2. Should the documents be authorized by any of the Secretaries of State (*del Despacho*), Ministers of the Court of Justice, or Governors of the departments, the signatures of these shall be legalized by the Chief Clerk of the Ministry of Relations.

Article 3. Should the documents be legalized by any of the offices of the Secretaries of the Court, by any other of the national tribunals, or by any of the judiciary officers of the district, their signatures shall be authenticated by the Weekly Minister of the Supreme Court. But should the document be issued by any governmental functionary, office, or officer of said district, their signatures shall be authenticated by the Governor of the same; and both the signature of said Governor and that of the Weekly Minister, shall be legalized by the Chief Clerk of the Ministry of Relations.

Article 4. That documents executed in the departments may have in foreign countries, and in the Federal district, the evidence which the laws concede to them, it will be sufficient that the signature by which they are authorized be authenticated by the Governor, and the signature of the Governor be legalized by the Chief Clerk of the Ministry of Relations.

Article 5. The signature of the Chief Clerk of said Ministry shall be countersigned by the diplomatic or consular agent of the Republic, residing in the place or district of the nation where the document is to be produced; and should there be no such agent residing there, then by the one nearest.

Article 6. Documents from foreign countries shall receive in the Republic the credence conceded to them by law, when executed in the form prescribed by the laws of the country in which they are made, or by the officers or functionaries appointed by said laws for such purpose. The signatures which authorize them shall be authenticated by the diplomatic or consular agent of the Republic residing in the place or district in which they are executed, who shall certify that they are made by persons legally empowered, explaining their public character, and the publicity of their being in the due exercise of their functions. The signature of the Minister, or Consular Agent of the Republic, which authenticated the previous signature, shall be legalized in Mexico by the Chief Clerk of the Ministry of Relations.

Article 7. Acts or certificates of registry, and notarial acts, authenticated by the diplomatic or consular agents of the Republic in foreign countries, shall receive the faith and credence conceded to them by the laws of nations; but should they have to be carried into effect in the Republic, this will be allowed only when the like is permitted with similar acts of the Republic in the country from which the former have proceeded, either by virtue of express agreement, or by consent of the respective diplomatic agents who may so stipulate. The certificates of authentication which they give, shall receive full credence only when appended to the signatures of public functionaries to instruments of the same class, or to official documents.

Therefore, I ordain that this decree be printed, published, promulgated and due fulfillment be given to the same.

National Palace in Tacubaya, October 28, 1853.

ANTONIO LOPEZ DE SANTA ANNA.

To Don MANUEL DIAZ DE BONILLA.

And I transmit the same to you for your information and consequent purposes.

God and Liberty. Mexico, October 28, 1853.

BONILLA.

EXHIBIT C.

MINISTERIO DE RELACIONES EXTERIORES.

El E. S. Presidente de la Republica Mejicana se ha servido dirijirme el decreto que sigue:

Antonio Lopez de Santa Ana, Benemerito de la Patria, General de Divicion, Caballero Gran Cruz de Real y distinguida orden Española de Carlos 3°, Presidente de la Republica Mejicana:

A los habitantes de ella sabed:—Que en uso de los facultades que la Nacion se ha servido conferir me he tenido á bien decretar lo siguiente:

Articulo 1°. A todo diploma, despacho ó nombramiento por el cual se persiba algun sueldo del tesoro publico ó emolumento de cualquiera clase, y lleve la firma del E. S. Presidente de la Republica, se le pondrá el gran sello de estado sin cuyo requisito no tendra ningun efecto, ni podran tomar razon de el las oficinas respectivas.

Articulo 2°. El sello se custodiara en la Secretaria de Estádo y del Despacho de Relaciones Esteriores, por la seccion de causilleria y registros, la que llevará uno exacto de los documentos á que ponga dicho sello, como la cuenta del corto derecho que por el deva pagarse, segun se prevendra en el reglamento respectivo, que dará oporternamente el Secretario de Relaciones.

Por tanto, mando se imprima publique, circule y se le de el devido cumplimiento.

Palacio del Gobierno Nacional en Mejico á 20 de Junio de 1853.

ANTONIO LOPEZ DE SANTA ANA.

A D. MANUEL DIEZ DE BONILLA.

Y lo comunico á V. para su obzerbancia. Mejico Junio 20 de 1853.

BONILLA.

TRANSLATION OF EXHIBIT C.

MINISTRY OF EXTERIOR RELATIONS.

His Excellency, the President of the Mexican Republic, has been pleased to transmit to me the following decree:

Antonio Lopez de Santa Anna, Well-deserving of his country, General of Division, Knight Grand Cross of the royal and distinguished Spanish order of Charles the Third, and President of the Mexican Republic:

To the inhabitants thereof, be it known:—That in the exercise of the powers which the nation has been pleased to confer upon me, I have thought proper to decree as follows:

Article 1. To every diploma, commission or appointment, from which any salary shall be received from the public treasury or any emolument of whatever kind, and which shall be signed by his Excellency the President of the Republic, there shall be affixed the great seal of State; without which requisite it shall be of no effect, neither shall note of the same be taken in the respective offices.

Article 2. The seal shall be kept in the office of the Secretary of State for Exterior Relations by the section of chancery and registries, which shall keep an exact register of the documents to which said seal is affixed, as also of the account of the corresponding dues paid for the same, as will be provided in the respective regulations which shall be made opportunely by the Secretary of Relations.

Therefore, I order that this decree be printed, published, promulgated, and due fulfillment be given to it.

Palace of the National Government in Mexico, June 20, 1853.

ANTONIO LOPEZ DE SANTA ANNA.

To Don MANUEL DIAZ DE BONILLA.

And I transmit the same to you for its observance. Mexico, June 20, 1853.

BONILLA.

COPY OF COMMISSION OF MANUEL COUTO.

Años de Mil ochocientos cincuenta y dos y cincuenta y tres.

SELLO QUINTO. SEIS PESOS.

Mariano Arista, General de Division, y Presidente Constitucional de los Estados U. Mexicanos:

En atencion al merito y servicios del Ciudadano Manuel Couto, hé tenido á bien nombrarlo, con arreglo al Articulo 2°. del decreto de 28 de Junio del año presente para el empleo de Secretario, encargado del archivo del Fondo de Mineria que se halla vacante por ser de nueva creacion, con el sueldo de mil seiscientos pesos anuales y con sugecion á lo que previene el Articulo 6°. del mismo decreto.

Por tanto, mando á quienes corresponde tengan por tal Secretario, encargado del archivo del Fondo de Mineria al espresado Ciudadano Manuel Couto, y que tomada razon de este despacho en las oficinas respectivas y prévios los demas requisitos correspondientes se ponga en posesion del mencionado empleo al interesado, y se le aboue el sueldo referido.

Dado en el Palacio del Gobierno gral en Mexico á treinta de Junio de mil ochocientos cincuenta y dos.

Gran Sello de la Nacion.

MAR°. ARISTA.

MARCOS DE ESPARZA.

Pagó. Martinez del Campo.

Nombramiento de Secretario, encargado del archivo del Fondo de Mineria á favor del Ciudadano Manuel Couto.

Contaduria Mayor.

Seccion de Hacienda de la Contaduria mor México Julio 13 de 1852.

F. Tómese razon,

Sin dros. MANUEL RIGUELME.

En la misma fhá se tomó razon á f°. 48 del libro respectivo.

PABLO DE LA BARRERA.

Tesoreria general de la Nacion. Mejico, Julio 15 de 1852.

Tómese razon,

P. VELEZ.

En la misma se tomó razon fojas 1 del libro respectivo.

JOSE MANUEL PARDO.

ORDER REFUSING MOTION TO CLOSE PROOFS.

U. S. DISTRICT COURT,
Northern District of Cal.

At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the court-room in the city of San Francisco, on Friday the fifth day of November, in the year of our Lord one thousand eight hundred and fifty-eight.

Present: Hon. M. H. McAllister, Circuit Judge; and the Hon. Ogden Hoffman, District Judge.

THE UNITED STATES,
v.
ANDRES CASTILLERO. } No. 420.

And now at this day comes the U. S. District Attorney, and on notice moves the Court to fix a time for the closing of the proofs in this case, and for the submission of the cause, and the said motion having been argued on the part of the United States by the District Attorney and Mr. Randolph, and on the part of the claimant, by Messrs. Peachy and Yale, and due deliberation being had in the premises, and it appearing to the Court that the claimant herein is proceeding diligently in the taking of testimony, and that the same is not yet closed, it is ordered by the Court that the said motion be, and the same is hereby overruled.

Filed November 5, 1858.

W. H. CHEVERS, Clerk.

—

ORDER REFUSING MOTION TO CLOSE PROOFS.

UNITED STATES DISTRICT COURT,
Northern District of California.

At a Stated Term of the District Court of the United States of America, for the Northern District of California, held at the court-room in the city of San Francisco, on Saturday the fourth day of December, in the year of our Lord one thousand eight hundred and fifty-eight.

Present: Hon. M. Hall McAllister, Circuit Judge; and the Hon. Ogden Hoffman, District Judge.

UNITED STATES, v. ANDRES CASTILLERO. } No. 420.

And now at this day comes the U. S. Attorney, and on notice, moves the Court to fix a time for the closing of the proofs in this cause, and for the submission of the said cause; and the said motion having been argued by the respective parties, and due deliberation being had in the premises, it is ordered by the Court that the said motion be, and hereby is, denied.

Filed December 4, 1858.

W. H. CHEVERS, Clerk.

DEPOSITION OF JOHN P. BRODIE.

UNITED STATES DISTRICT COURT, Northern District of California.

THE UNITED STATES, v. ANDRES CASTILLERO.

SAN FRANCISCO, Dec. 14, 1858.

On this day, before Cutler McAllister, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came John P. Brodie, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private land claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; P. Della Torre, U. S. District Attorney and E. Randolph, for the United States.

QUESTIONS BY A. C. PEACHY, FOR CLAIMANT.

QUESTION 1.—Your name, age, occupation and place of residence?

ANSWER 1.—John P. Brodie; 51 years of age. I reside in San Francisco; am a land-agent.

Q. 2.—Examine the paper marked Exhibit "G." attached to defendant's answer in the case of the United States *v.* John Parrott et al., on file on the equity side of the United States Circuit Court for the Districts of California, and say if you have compared it with its original, where the original exists, and

who produced it; when and how the comparison was made, and who was present when you made it; and is the said copy a true, accurate and full copy of the said original?

A. 2.—I have examined said Exhibit. I have compared it with its original; the original exists in the archives of the "*Administracion del Fonda de Mineria*," in the city of Mexico. The original was produced by Manuel Couto, Secretary of the institution or office. The comparison was made by me on the 30th day of July of the present year; I held this copy in my hand and looked at it closely while the original was read to me, then I held the original in the same way while the copy was read to me; I then laid both original and copy before me and compared them together and found them to be exactly alike. Mr. John Forsyth, the American Minister in Mexico; Mr. Frederick Glennie, British Consul at Mexico; Don Emilio Pardo, who read the documents; Couto, the Secretary aforesaid; Don Teodoro Soto-Mayor, a Clerk in the office of the Minister of Justice in Mexico; and Don Vicente Segura, who is President of this Mining Fund, who came into the room once or twice when we were engaged in making this comparison, were present. I never saw a more correct copy made of a document even to blots, etc.; it is a full, accurate and exact copy, with the exception of the certificates of the Secretary, Manuel Couto, of Segura, of P. Almasan, of J. Miguel Arroyo, two certificates of John Forsyth and one of Frederick Glennie, which certificates are not part of the original.

Q. 3.—Answer the same question as to Exhibit "H." attached to the same answer.

A. 3.—I have examined the document, have compared it with its original; the original exists in the College of Mines, in the city of Mexico. The original was produced by Don Joaquin Velasquez de Leon, Director or President of said College. I held this copy in my hand, looked over and read while the original was read to me; I then held the original in the same manner while this copy was read to me; I then laid both original and copy before me, compared them closely and carefully, and found that they were alike in every respect, with the exception of the certificates of Joaquin Velasquez de Leon, of P. Almasan, of J. Miguel Arroyo, two certificates of John Forsyth, and the certificate of F. Glennie, which are not in the original. I compared them on the 30th day of July, at the city of Mexico, in the presence of Mr. Forsyth, American Minister at Mexico; Mr. Glennie, British Consul; Don Joaquin Velasquez de Leon, Director of the College; Emilio Pardo, who read the copy and original to me; Manuel Couto, Secretary of the Administration of the Mining Fund; and Teodoro Sotomayor,

Clerk as aforesaid. Said copy is a true, accurate and exact copy of the original.

Q. 4.—Answer the same question in reference to Exhibit "I." attached to the same answer.

A. 4.—I have examined said Exhibit; I have compared it with its original. The original exists in the office of the Ministry of Exterior Relations in the city of Mexico. The original was produced by Manuel Lavañaga, Chief Clerk of a Section in said Ministry. The comparison was made on the 29th of July last in one of the offices of said Ministry. I held the copy and made the comparison in the same manner as in the cases of Exhibits "G." and "H." The same parties were present, Mr. Forsyth and Mr. Glennie, and the others. This is a true, accurate and exact copy of the original, with the exception again of the certificate of J. Miguel Arroyo, two certificates of John Forsyth, and one of Frederick Glennie, which certificates are not in the original.

Q. 5.—Answer the same question in reference to Exhibit "K." attached to the same answer.

A. 5.—I have examined the said Exhibit. I have compared it with its original, which exists in the city of Mexico in the Ministry of Government and Police. The examination was made on the 29th day of July last. It was produced by Ignacio Anievas, Chief Clerk of said Ministry. The comparison was made in the same way as in Exhibits "G." and "H." Mr. Forsyth, Mr. Glennie, Ignacio Anievas, Pardo, Couto, and Sotomayor were present. The said copy is a true, accurate and exact copy of the said original, with the exceptions of the certificates; one of Felipe Raigosa, Chief Clerk, at that time, of the Minister of Government; one of J. Miguel Arroyo, First Chief Clerk of the Ministry of Foreign Relations; two certificates of John Forsyth, and one of Frederick Glennie, which certificates are not in the original.

Q. 6.—Answer the same question with reference to Exhibit "L." attached to the same answer.

A. 6.—I have examined said Exhibit; I have compared it with its original. The original exists in the city of Mexico, in the office of the Notary Public, Juan Navarro, being a portion of a book in said office. Juan Navarro himself produced it. The comparison was made on the 30th day of July last in the same manner as in Exhibits "G." and "H." Mr. Forsyth, Mr. Glennie, Pardo and Navarro were present when I made it. It is a true and correct copy of the original, not a fac-simile as the other exhibits aforesaid, with the exception of two slight mistakes, which are mentioned in the certificates, at the end of said exhibit, of Mr. Forsyth and Mr. Glennie. The mistakes are

two omissions, one on the seventh leaf, eleventh line. After the words "*Panfilo Solis,*" the following words are wanting, "*Sacose de su registro hoy-dia de su otorgamiento en cuatro foxas del papel correspondiente doy fe. Un Signo Panfilo Solis.*" One on the second page of thirteenth leaf, twenty-first line; after the word "*adende,*" the following words are wanting, "*Los cosas de esta escritura seran de cuenta de ambos contrayentes por mitad.*" These words are in the original, but are omitted in the copy.

Q. 7.—Please describe the book in which the original of Exhibit "L." is found, and what memoranda are noted on the book.

A. 7.—It is a book of leaves of stamped paper for the years 1846 and 1847, stitched together, with a cover and fly-leaves of common paper. It contains one hundred and twenty leaves exclusive of the fly-leaf and the index at the end. On the fly-leaf is the title, "*Año de* 1846. *Protocolo de Instrumentos Publicos del Escribano Don Narzario Fuentes.*" The first page commences with a certificate to the following effect: "*Protocolo de instrumentos publicos para el año* 1846, *perteneciente al Escribano publico que signa y firma! doy fe, que comienza hoy dia de la fecha!*"; Notary sign of cross, and signed "Narzario Fuentes;" the signature and certificate are in the same handwriting. There is another certificate at the end of the book, copied in Exhibit "L." on the last page, exclusive of the certificates, beginning with the words "*Certifico y doy fe;*" it is the certificate of Narzario Fuentes, signed by him, that the book is finished—to the effect that there were no more public instruments executed that year before him. The first instrument in the book commences immediately under the certificate on the first page and is dated January 8th, 1846; there are seventy-two instruments in all, in the book, and which are mentioned in the index. There are sixty-four executed instruments in the book, and the number in the index, seventy-two, is made up by counting the certificate at the commencement of the book; four instruments not executed; one certificate relating to "*Alcabales*" or duties; one petition of Andres Castillero, asking for second copies; and one certificate at the end of the book; making in all seventy-two instruments, as mentioned in the index. The original instrument, a copy of which is contained in Exhibit "L." on the second page and marked on the margin "*Escritura,*" commences in the book of Protocols, in the lower corner of the first page of the one hundredth leaf, on which page is written only the first word, it is continued on the second page of said leaf and on to the first page of leaf one hundred and six, where it ends, and where are the signatures. The second instrument, a copy of which is contained in said Exhibit, and commences on the

first page of the eleventh leaf of said Exhibit, marked in the margin "*Escritura de Venta,*" commences in said book in the lower right hand corner of the first page of leaf one hundred and six, where is written only the first word, and is continued to its end on the first page of leaf one hundred and nine. There are some remarks upon the margin in the book; on the margin of the first instrument, on contract of "*Avio*" are the following words: "*Se dio copia para la parte de la compania remitiendosela a Tepic a Don Alexandro Forbes al segundo dia de su otorgamiento;*" this is followed by the rubric of the Notary; then again, "8 *de Agosto, de* 1848. *Se dio copia certificada al Sor. Don Andres Castillero en diez fojas utiles en lugar del testimonio que no habia pedido.*" Then again on the margin of the second instrument or "*Escritura de Venta*" are these words: "*Se dio copia de esta escritura al segundo dia de su otorgamiento a la parte de Don Alexander Forbes;*" here follows the rubric of the Notary; also, following the above: "*Mexico, Agosto* 9, 1848. *En esta fecha se dio al Señor Castillero copia certificada en lugar del testimonio que debio darsele, doy fe,*" and the rubric of the Notary.

Immediately preceding the original of the first instrument or contract, and ending on the first page of the one hundredth leaf of the book, is a power of attorney, of date December 16, 1846, from Camilo Sanches to José Maria Gallego. Immediately following the second instrument or "*Escritura de Venta,*" and commencing on the lower right hand corner of the first page of leaf one hundred and nine of the book, is an instrument dated December 21, 1846, relative to a loan made by Antonio Torrens to his brother Juan Torrens. The leaves in this book are numbered regularly from one to one hundred and twenty, and on the one hundred and twentieth leaf there is a certificate already referred to, in which he says that there is one hundred and twenty-one leaves.

Q. 8.—Do you know in whose handwriting is the original letter dated Angeles, February 12, 1846, signed Pio Pico, and addressed to the Minister of Exterior Relations, a copy of which appears on pages two and three of Exhibit "K.?"

A. 8.—I should say it was in the handwriting of Don José Maria Covarrubias.

Q. 9.—Are you acquainted with the signature of Pio Pico, and is his signature to the original of the said letter his genuine signature?

A. 9.—I know the signature of Pio Pico intimately from having seen him write it often, receiving letters from him, and the signature to the said original letter which I saw in Mexico is his signature?

Q. 10.—In making the comparisons of the foregoing copies with their originals, did Mr. Forsyth and Mr. Glennie also compare and assist you?

A. 10.—They did; Mr. Forsyth sat during all the reading by the side of Pardo, while he was reading the copies and the originals, looking over him on the papers, and Mr. Glennie sat by my side doing the same; both these gentlemen took the copies and originals in their own hands and examined them themselves, not like myself, but cursorily.

[The witness here states that he knows in whose handwriting the marginal decree on the margin of the letter the signature to which he has just testified to, is; and wishes to know if Mr. Peachy wants any information on the subject.]

Q. 11.—Please state, if you know, in whose handwriting are any of the instruments which are copied in the Exhibits concerning which you have testified?

A. 11.—I have said I know the handwriting of Covarrubias and the signature of Pio Pico; I think I know them of my own knowledge. This writing and signature occur on the second and third pages of Exhibit K. I do not think they occur any where else in these Exhibits. Of my own knowledge I do not know of the handwriting of any other person.

Q. 12.—State what you know about the marginal note mentioned at the end of the tenth answer?

A. 12.—One of the officers—I do not know in what office he is now; I knew him in Mexico thirty odd years ago, named José Maria Ortiz Monasterio—informed me in the city of Mexico about the end of last July, that that marginal note was written by him on the day of its date. This is what I know about it.

[Objected to, as hearsay.]

Q. 13.—What office does J. Miguel Arroyo hold?

A. 13.—He is the first Chief Clerk, "*Oficial Mayor Primero*," of the Minister of Exterior Relations; he was so when I was last in Mexico, in July and August of this year.

Q. 14.—At whose request did you go to Mexico to make these examinations and comparisons?

A. 14.—At the request of Mr. William Barron, of this city.

Q. 15.—At whose expense did you go, what were you paid for going, and have you been paid?

A. 15.—Mr. William Barron gave me the money for my expenses and paid me; he gave me $2,500 besides expenses.

Q. 16.—When did you leave San Francisco; at what Mexican port did you land; what was the distance from that port to the city of Mexico, and how long were you in going from that port to the said city?

A. 16.—I left San Francisco in the steamer Golden Gate, and landed in Acapulco in Mexico. The distance between Acapulco and Mexico is said to be 110 leagues; by my account of days' travel I made it 120 leagues going and 115 leagues returning. I got sick on the road and made a long journey. I left Acapulco in the afternoon of the 14th July, and arrived in Mexico 27th July. I remained in Cuernavaca from the 24th to the 27th waiting for the stage; on my return I was ten days exactly on the road.

Q. 17.—What time is usually occupied in going from Acapulco to Mexico, and from your knowledge of the distance between the two places and the nature of the road, in what time could the trip be conveniently made?

A. 17.—The road is a very bad road. The mail goes through in four days, and couriers go through in about that time. Travelers take about ten days. It takes as long as this because you have to take pack mules along with you to carry provisions, bedding, etc.

CROSS-EXAMINATION. QUESTIONS BY THE U. S. ATTORNEY.

QUESTION 1.—Where were you born?

ANSWER 1.—I was born in Scotland.

Q. 2.—How long have you lived in Mexico, and in what years?

A. 2.—I lived in Mexico from 1824 to 1854; I went there seventeen years old.

Q. 3.—Then you are not a citizen of the United States?

A. 3.—I am not. I have made a declaration to become one.

Q. 4.—What do you mean when you say you are a land agent; who are your employers, and where is the land?

A. 4.—I mean that I am attorney-in-fact of Andres Pico for the disposal of the lands which he claims in San Joaquin, Amador and Alameda counties.

Q. 5.—Is not the claim in Alameda County to the orchard or other lands belonging to the San José Mission?

A. 5.—It is. The original claim was an undivided half of all the Mission lands.

Q. 6.—How large is the tract to which you refer as the Mission lands?

A. 6.—About 24,000 acres.

Q. 7.—How large are the tracts in San Joaquin and Amador ounties?

A. 7.—They are eleven leagues each, or about 96,000 acres.

Q. 8.—Do not the tracts in San Joaquin or Amador run considerably into the hills, and include much mining land?

A. 8.—The tract in Amador does, the other does not.

Q. 9.—Is not Andres Pico a brother of Pio Pico?

A. 9.—He is.

Q. 10.—Were not these three grants made by Pio to Andres Pico, in the year 1846, and not long before the American conquest, and about what dates respectively?

A. 10.—The tract in San Joaquin County was granted by Pio Pico to Andres Pico, made in May, 1846. The Mission lands in Alameda County, I understand were purchased from the government by Juan B. Alvarado and Andres Pico; don't recollect at what time. The lands in Amador County were granted in 1840 to Teodosia Yorba and the claim purchased by Pico.

Q. 11.—When was the first time that you saw these copies which are marked here as Exhibit G.?

A. 11.—I think it was in the month of June, 1858.

Q. 12.—Where did you see them?

A. 12.—In the office of Bolton, Barron & Co. of this city.

Q. 13.—Who showed them to you?

A. 13.—Mr. William E. Barron. When he showed them to me they had not the last certificate of Mr. Forsyth nor the certificate of F. Glennie.

Q. 14.—Did you carry Exhibit G. with you to Mexico?

A. 14.—I did.

Q. 15.—Did Mr. William E. Barron instruct you to go to the office of the "Administracion del Fonda de Mineria," and compare Exhibit G. with an original that you would find there?

A. 15.—He asked me if I would go to Mexico to compare all these papers with the originals; Mr. Peachy instructed as to the manner in which I should make the comparison.

Q. 16.—Do you know by whom Exhibit G. was traced or made?

A. 16.—I do not. I was told the man's name, but I forget it.

Q. 17.—When you carried Exhibit G. to Mexico, were the papers of which it is composed put up in the same order as they appear now?

A. 17.—I should say they were.

Q. 18.—Did you first see the other Exhibits H., I. and K. in the office of Bolton & Barron in this city; were they too shown to you by Wm. E. Barron; did you also carry them with you to Mexico with the same instructions that you had as to Exhibit G.?

A. 18.—I did.

Q. 19.—Did you carry other papers with you to Mexico?

A. 19.—I carried no papers of that size. I carried a number of letters and one small package.

Q. 20.—Did you carry the letters and package from Bolton & Barron and Wm. E. Barron to persons in the city of Mexico?

A. 20.—I forwarded the package and some of the letters by courier from Acapulco to Mexico the day after my arrival in Acapulco.

Q. 21.—To whom did you forward them?

A. 21.—To Mr. Eustace Barron.

Q. 22.—What day did you arrive in Acapulco?

A. 22.—I arrived there on 12th July.

Q. 23.—Who introduced you to Manuel Couto and Emilio Pardo in the city of Mexico?

A. 23.—Pardo was waiting for me at the stage office when I arrived there and introduced himself to me, and he afterwards introduced me to Couto.

Q. 24.—Did you go to see Mr. Eustace Barron immediately?

A. 24.—I got to the city at 12½ P. M. and went to see Mr. Barron at 7 P. M. In the meantime he had called upon me.

Q. 25.—What did you do next day?

A. 25.—I went to the different Ministers to see them about having these papers ready for me; I went to Mr. Forsyth, to College of Mines, and to Mining Administration also.

Q. 26.—And the next day you went and found everything ready?

A. 26.—I engaged with Mr. Forsyth to go with him the next morning. The next morning he was engaged and could not go until afternoon. In the afternoon went with him to the two Ministries in the Palace. We went the day after to the two Ministries de Mineria and to the Notary's.

Q. 27.—Did you explain to Mr. Forsyth that the papers that you wanted were to be used in a certain case in California in which Eustace Barron, Escandon, and other foreigners, were claiming the New Almaden Quicksilver Mine against the United States?

A. 37.—I did not explain to him any thing at all. I did not know that Escandon had any interest in the matter; do not know it yet. In conversation with Mr. Forsyth after the papers had been examined, we talked about the purpose to which these copies were to be put, and he understood perfectly well that they were to be used in the U. S. Courts in California.

Q. 28.—Were not those traced copies, Exhibits G., H., I. and K., all traced in California?

A. 28.—I say no, impossible, unless they had the originals to trace them from here.

Q. 29.—Whilst you lived in Mexico these thirty years, had you ever seen there a traced copy made in Mexico?

A. 29.—I never saw a traced copy of any paper till I came to California.

Q. 30.—Did you carry Exhibit L. with you to Mexico at the same time as the others?

A. 30.—I did.

Q. 31.—Where is the office of Administracion de Mineria, where is the College of Mining, where situated in the city of Mexico?

A. 31.—The Administracion de Mineria is in the same building as the College; I think the building is situated three blocks from the Cáthedral, the street called Calle de Mineria, one block before you get to Alameda.

Q. 32.—After you had finished all the comparisons of the various writings, how long did you remain in Mexico?

A. 32.—I think I left there on the 6th of August.

JOHN P. BRODIE.

Subscribed and sworn to before me, this 14th day of December, 1858.

CUTLER McALLISTER,
U. S. Commissioner.

Filed, February 21, 1859.

W. H. CHEVERS, Clerk.

DEPOSITION OF WILLIAM G. CHARD.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, Dec. 15, 1858.

On this day, before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came William G. Chard, a witness produced on behalf of the claimant, in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, for claimant; and P. Della Torre, U. S. District Attorney and E. Randolph, for the United States.

QUESTIONS BY ATTORNEY FOR CLAIMANT.

QUESTION 1.—Your name, age, place of residence and occupation?

ANSWER 1.—William G. Chard; I am 58 years of age; I reside in Tehama County, State of California; I am a farmer.

Q. 2.—Do you know the Almaden Mine?

A. 2.—I do.

Q. 3.—When did you first know it?

A. 3.—In 1845.

Q. 4.—Were you ever employed in or about the mine; state when, by whom, and in what capacity?

A. 4.—I have been so employed; it was in 1845; I was employed first by Mr. Castillero and the priest Don José Maria Real. I went up there to open the mine. I forget exactly what time of the year it was. I hardly know whether it was in November or December, 1845; I think it was in one of those months.

Q. 5.—Do you remember when the possession of the mine was given to Andres Castillero?

[Question objected to as leading.]

A. 5.—I do.

Q. 6.—State if you can, about what time the possession was given, by whom, who was present, whether you were there?

A. 6.—I think it must have been in December, 1845, or January, 1846, I could not state positively which. Pico was there, his name is Antonio I think, I forget whether he was the Alcalde or not. Suñol was there and Noriega; I know them all, but cannot think of their names. Berreyesa was there, the old man Berreyesa, who got killed in the time of the war over in Sonoma. Do not remember the names of the others.

Q. 7.—Do you remember whether José Fernandez was there?

A. 7.—Yes he was; he used to live on the creek on the road to Santa Cruz.

Q. 8.—Do you know whether Padre Real and a man named Gutierrez were there?

A. 8.—I don't recollect. I should judge there were some fourteen or fifteen there, but I do not recollect their names.

Q. 9.—How long did you remain at the mine after possession was given to Castillero?

A. 9.—I remained there, I think, until August, 1846.

Q. 10.—What did you do there; what was your business?

A. 10.—I was building houses. I built a furnace and smelted the ore, got out some quicksilver, I should judge three or four tuns of quicksilver in the pot—it was one of a whaler's try-pots—we burnt it out under try-pots, that is, we first made a well and put at the bottom of it a trough full of water, then we had part of a copper still which went down into the water in the trough and there were bars of iron laid across the mouth of the well and the ore piled on top of them, made the pile the size of the pot and covered it with the pot turned upside down, we then piled the wood on top of and around the pot, set fire to the wood and in that way we got out from three to four tuns. The top of the copper still was attached and came up to the iron bars over the top of the well and the vapor was forced through the pipe into the water by heat.

Q. 11.—How many men were engaged at the mine and reducing establishment while you were there; I mean, what would be about the average number of laborers there about that time?

A. 11.—To the best of my recollection, about ten or twelve, Indians, principally, only one white man besides myself; I do not recollect his name; they used to call him Old Billy, he was a blacksmith.

Q. 12.—Who was Superintendent of the mine when you had charge of it?

A. 12.—I was Superintendent.

Q. 13.—Under whose direction did you work?

A. 13.—First under Castillero's, and after he went away, under Padre Real's; under his direction I built the furnace.

Q. 14.—Describe that furnace?

A. 14.—It was made out ot adobe, about eight feet in diameter measured on the outside, about ten feet high and circular; it had two chambers one over the other, the top of the under one was full of holes so that the fire could draw up into the other; the upper we charged with ore from the top; there were six or eight pipes from this upper oven that conducted the vapor into water; the hole at the top of the upper chamber was closed with an iron door and cemented.

Q. 15.—How did the furnace succeed?

A. 15.—It did not succeed very well, it got hot and burst.

Q. 16.—Did you make any quicksilver from it?

A. 16.—We made some, I do not recollect how much, we never charged it but once.

Q. 17.—Who attended the furnace, and was anybody injured by the vapors?

A. 17.—It was attended by no one but myself and the Indians. I got badly hurt with it, salivated, and it came very near killing me.

CROSS-EXAMINATION. QUESTION BY U. S. ATTORNEY.

QUESTION 1.—About what time did you finally leave the mine or reducing establishment?

ANSWER 1.—I think August 1846.

Q. 2.—Can't you recall some circumstance by which you could fix the time of the year?

A. 2.—No nearer than this. The mine changed hands while I was there; at least Mr. Forbes employed me previous to my leaving—James Alexander Forbes.

Q. 3.—You say the mine had passed into the hands of James Alex. Forbes before you left?

A. 3.—Yes.

Q. 4.—Who put it into the hands of James Alexander Forbes?

A. 4.—I presume I knew at that time, but have forgotten now, he employed me previous to my leaving.

Q. 5.—In whose hands was it up to the time that Mr. Forbes took it?

A. 5.—First Mr. Castillero employed me, after him Padre Real, and after him, James Alexander Forbes.

Q. 6.—Then Father Real put it into the hands of James Alexander Forbes.

A. 6.—He employed me. I was there all the time while the changes were being brought about; I suppose Father Real put it into Forbes' hands, I do not know.

Q. 7.—Do you remember any more exactly what time the change took place and Forbes came into possession, than you do who the person was that gave him the possession?

A. 7.—I do not.

Q. 8.—How long did you remain at the mine under Mr. Forbes' orders?

A. 8.—I do not recollect.

Q. 9.—Was it as much as two months?

A. 9.—I think it was. Somewhere near that time.

Q. 10.—Are you certain that it was more than one month?

A. 10.—No. I am not certain about it at all.

Q. 11.—In what month was it that Mr. Forbes employed you?

A. 11.—That I do not recollect.

Q. 12.—About what month?

A. 12.—I could not state positively what time it was. I recollect it was during warm weather.

Q. 13.—Then it might have been in August or September, or possibly in October, might it not?

A. 13.—I think not as late as October.

Q. 14.—But it might have been in September?

A. 14.—I think not. It might have been in June or July, but I think not as late as September or October.

Q. 15.—What circumstance have you in your mind by which you could fix it in any one of those months, June, July, August or September, more than another?

A. 15.—Because I think I quitted the mine sometime in August.

Q. 16.—Where did you go from the mine?

A. 16.—To Santa Clara.

Q. 17.—How long did you stay there?

A. 17.—I stayed there till 1847; I do not recollect what month of 1847.

Q. 18.—Are you a Catholic?

A. 18.—I am.

Q. 19.—Are you married to a native of the country?

A. 19.—Yes, sir.

Q. 20.—Do you know what time a feast of Santa Clara occurs which is always celebrated at that Mission?

A. 20.—I do; on 12th August.

Q. 21.—Can you remember now whether you had left the mine and come down to the Mission of Santa Clara at the time of the feast of Santa Clara in the year 1846?

A. 21.—I can recollect very distinctly; I staid at the mine and sent all the Indians down.

Q. 22.—Then you were still at the mine as late as 12th August, 1846. Was Father Real then in charge still, or Mr. Forbes; under whose orders were you?

A. 22.—I was there as late as 12th August, but could not say positively who was in charge.

Q. 23.—About how long after the feast of Santa Clara did you remain at the mine?

A. 23.—Some time afterwards, I am not positive; I think I went down to Santa Clara before the first of September, but am not positive.

Q. 24.—About how long before Christmas did you go down?

A. 24.—I do not recollect. I could not state.

Q. 25.—Are you a born citizen of the United States?

A. 25.—I am. I was born in Columbia County, State of New York.

Q. 26.—Then you remember very distinctly the conquest of California by the Americans, do you not?

A. 26.—I do.

Q. 27.—About how long after that event did you abandon the mine?

A. 27.—I was sick at that time. I came down from the mine when the weather was warm, and the battle of Santa Clara was when it was cold and rainy.

Q. 28.—About how long had you been in Santa Clara when the battle took place?

A. 28.—From about sometime in August till October or November. I do not remember when the battle was fought, probably later than that.

Q. 29.—Had you not been down only a few weeks when that battle was fought?

A. 29.—I could not say how long I had been down, some two or three months, I suppose.

Q. 30.—Can you remember whether it was after or before the Americans conquered the country that you first began to receive orders from James Alexander Forbes?

A. 30.—It was before.

Q. 31.—Then it was before the Americans conquered the country that Father Real or somebody else, you don't remember who, passed the mine over to Mr. Forbes?

A. 31.—It was. It was before the conquest that he hired me to stop at the mines.

Q. 32.—In what month was it that the Americans raised their flag in this country?

A. 32.—I do not recollect.

Q. 33.—Do you not consider that you have a very bad memory?

Q. 33.—In my own business affairs I think I have got as good a memory as most people. What I recollect I am willing to state, and nothing more. I have not charged my mind with this matter because I had no idea of being called upon to testify about them.

Q. 34.—Were you not a married man at the time that you lived at the mine?

A. 34.—Yes, sir. I had my family at the mine part of the time.

Adjourned until 12 M. Dec. 16, 1858.

December 16, 1858.

CROSS-EXAMINATION OF WILLIAM G. CHARD, A WITNESS PRODUCED ON BEHALF OF CLAIMANT, THIS DAY CONTINUED.

Present: Mr. Peachy for claimant; and the U. S. District Attorney and Mr. Randolph, for the United States.

Q. 35.—Do you remember this morning any better than you did yesterday, the day, or even the month, when you finally left the mine?

A. 35.—I do not.

Q. 36.—When you left did you have a settlement with Mr. Forbes; did he pay you what was due you, did you give him a receipt in full up to that time?

A. 36.—He paid me. I do not recollect whether I gave him a receipt or not.

Q. 37.—Did you ever have more than one settlement with Mr. Forbes?

A. 37.—I think not.

Q. 38.—When you said he paid you, do you mean to say he paid you up to that time?

A. 38.—He paid me in full up to the time of my leaving, but I do not remember whether he paid me all at once or at different times. He might have let me have some things.

Q. 39.—How did you sign your name at that time?

A. 39.—In Spanish, Guillermo G. Chard.

Q. 40.—Look at the paper now shown you marked Exhibit X. attached to this deposition, this paper is your receipt in full of your services one month in the mine of Almaden of Santa Clara, dated 16th October, 1846. Does it not appear now by that receipt that you were mistaken in supposing that you were not at the mine so late as October, or even September, 1846, as you have testified?

A. 40.—I do not think I was as late at the mine as this paper bears date; don't recollect the time; I think I gave this receipt to Mr. Forbes in Santa Clara sometime after I left; he did not pay me for some time if I recollect aright.

Q. 41.—Have you any recollection that a whole month had passed after you left the mine, before Mr. Forbes paid you?

A. 41.—I do not recollect that.

Q. 42.—Have you any distinct recollection that any time elapsed after you left the mine before he paid you?

A. 42.—Yes, I recollect going to his house several times?

Q. 43.—Did not Mr. Forbes at that time live in Santa Clara,

where you were staying, and might you not have gone to his house several times within a day or two?

A. 43.—Yes.

Q. 44.—What is the month called for in that receipt; is it not the month ending on the 16th day of October?

A. 44.—I should suppose it was.

Q. 45.—Do you suppose that in a receipt made on that day, it is at all probable that it would have been stated that you served at the mine up to the 16th day of October, 1846, if you had left before that day?

A. 45.—I do not know. It appears to me that I did not get the money until some time after I left. The receipt might have been drawn for one month's work, and dated on the day on which I got the money. I guess that must have been the way of it.

Q. 46.—As you never had but one settlement with Mr. Forbes that you remember, and that calls for one month's services only, don't you think now that one month must have been all the time that you were under Mr. Forbes' orders?

A. 46.—I should think it was.

Q. 47.—Had Andres Castillero left the country before you built the furnace with the two chambers, which you described yesterday on your direct examination?

A. 47.—I think he had.

Q. 48.—Before Andres Castillero left the country was there any furnace at all, or did you get out the quicksilver by making a fire over the iron pot, as you explained yesterday on your direct examination?

A. 48.—I think he went away before we smelted the metal under the pot or in the furnace; I am not certain of that; I don't remember of seeing him after trying experiments with gun-barrels, at the mine.

Q. 49.—That quicksilver which you got out and left there in the pot, did you weigh it?

A. 49.—I don't remember.

Q. 50.—Did you ever weigh any quicksilver at that time?

A. 50.—I think I weighed a glass junk-bottle full.

Q. 51.—When you said yesterday that you supposed the quicksilver in the pot might have been three or four tuns, was it merely a guess on your part?

A. 51.—Yes, it might.

Q. 52.—Might it not have been as little as 2,000, 1,800 or even 1,500 pounds, for all that you can swear to now?

A. 52.—I do not know; I stated that yesterday. I have no idea, there was about half a kettlefull.

Q. 53.—After your adobe furnace burst, what did you do then?

A. 53.—Pulled it down, gathered all the quicksilver we could get between the adobes.

Q. 54.—Then what?

A. 54.—We continued burning under the pot afterward?

Q. 55.—You carried on this smelting somewhere about where the hacienda is now, did you not?

A. 55.—Somewhere about the same place.

Q. 56.—Who had charge at that time of the mine, which was about a mile from the place where you were employed?

A. 56.—A Mexican; I don't recollect his name.

Q. 57.—Had you anything at all to do with the operations inside the mine, during the period to which you refer?

A. 57.—Nothing.

Q. 58.—About how often did you smelt or reduce ore?

A. 58.—About every day under the pots; I think we had two pots sometimes.

Q. 59.—From what time?

A. 59.—I don't recollect.

Q. 60.—In what month?

A. 60.—I don't recollect.

Q. 61.—When was the last time?

A. 62.—A few days before I left. I was there a few days after the majority of the people left; they left before I did. We had nothing to eat; we went to Santa Clara; they were principally Indians belonging to the Mission.

Q. 62.—What became of the house where you had been living, near the hacienda?

A. 62.—I locked it up and took the key down to Mr. Forbes.

Q. 63.—You say you were present when possession was given of this mine; was Castillero there?

A. 63.—I don't recollect whether he was there or not. I don't recollect seeing him there.

Q. 64.—You have said that this possession was given about the last of December or about the first of January; do you think your memory is any more to be trusted about that date than it was about the date of your leaving the mine, and of your settlement with Mr. Forbes?

A. 64.—It was shortly after I first went there.

Q. 65.—Your memory seems to be bad about dates; how can you fix the time when you first went there?

A. 65.—Because it was a short time after I came down from Sacramento. I came down late in the fall, I think it was in November.

Q. 66.—If it was a short time after that, it ought to be about the first of December instead of the first of January, ought it not?

A. 66.—I was home some time before I went out to the mines.

Q. 67.—Have you any means of fixing that date with any certainty to yourself, within ten or even twenty days?

A. 67.—I don't think I have.

Q. 68.—Since you have been in town have you not been talking with some one about that date; if so, with whom?

A. 68.—I think not.

Q. 69.—At whose request did you come down from Tehama to give testimony?

A. 69.—At no one's.

Q. 70.—At whose request did you come to this court-house to give testimony?

A. 70.—At Mr. Peachy's.

Q. 71.—Do you recollect seeing Antonio Maria Pico at the mine on that day?

A. 71.—I think I do.

Q. 72.—What was Pico doing that day at the mine?

A. 72.—I do not recollect what they did do myself, I was there at the mine at my work.

Q. 73.—If you don't recollect what they did do, how can you recollect that they had given possession?

A. 73.—That was the conversation; that they had come up to give possession.

Q. 74.—Did you see any body surveying or measuring off any thing?

A. 74.—No.

Q. 75.—Did you see anybody driving any stakes?

A. 75.—No.

Q. 76.—Did you see anybody writing?

A. 76.—I think not.

Q. 77.—What did you see them doing?

A. 77.—They came up on horseback, they were sitting around there laughing; they all looked at the mine, then got on their horses and rode around.

Q. 78.—Well, what was the thing that they gave possession of?

A. 78.—They said that they had come to give possession of the mine; they got on their horses, rode around a piece, and came back.

Q. 79.—Did you understand the mine to be all they rode around, or how much did you understand they included with it?

A. 79.—I had no understanding on the subject.

Q. 80.—After you saw Castillero up at the mine making experiments with a gun-barrel, where did you understand that

he went to and made his place of residence—Santa Clara, Pueblo of San José, Monterey, or where?

A. 80.—I do not know where he did make his residence; I heard he went to Monterey.

Q. 81.—When was it that you and Castillero were making experiments with a gun-barrel at the mine; before, or after they came up there to give possession?

A. 81.—This was the first thing we did after we went up there, before the giving of possession of the mine.

Q. 82.—As you don't remember seeing Castillero at the mine, at the time of giving possession, might it not have been given to somebody else, and not to Castillero at all; how was that?

A. 82.—I understood it was to a company.

Q. 83.—Were the company there?

A. 83.—I do not recollect whether they were all there or not.

Q. 84.—Then you did not understand that possession was given to Castillero alone, in his own name, did you?

A. 84.—No.

Q. 85.—But to a company of which Castillero was only one of the members; was that it?

A. 85.—Yes.

Q. 86.—Is not your wife a sister of Secundino and Teodoro Robles?

A. 86.—She is.

Q. 87.—Were not those two Robles', your brothers-in-law, members of the company to whom you understood that possession was given?

A. 87.—They were. They offered to give me one-half of it. I would not accept of it.

Q. 88.—Answer in the same connection why you would not accept of it.

A. 88.—They were poorer than I was, and I wanted them to do something for themselves, and would not accept the half of their shares; did not think it was worth much anyhow.

Q. 89.—Under these circumstances, if there had not been any possession given to them at all, but to another man, without any mention of their names, don't you think you would have heard of that fact?

A. 89.—Yes, I think I should.

Q. 90.—Were not one or both of the Robles' out there at the mine at the time the possession was given that you have spoken of?

A. 90.—I think they were.

Q. 91.—At what time was it that you first found yourself salivated at the mine?

A. 91.—I did not feel any effects of it until the cold weather and rain came.

Q. 92.—In your last answer upon direct examination you appear to say that you got salivated whilst you were at the mine attending to the pots; now you say that you did not feel the effects till the rains commenced; was it not very soon after leaving the mine that you felt the effects, or even before you left?

A. 92.—I did not feel it all before I left. I did not feel it until after the rain and cold weather commenced.

Q. 93.—Do you suppose it could have been as much as a month or six weeks after you left the mine before you found out you were salivated?

A. 93.—I think it was as much as that.

Q. 94.—What did you do with the quicksilver that you got out?

A. 94.—I did nothing but put it in the pot; that is the last I saw of it.

Q. 95.—Did you leave it there in the pot when you came away, finally?

A. 95.—Yes; I locked it up and left it there.

DIRECT EXAMINATION RESUMED.

QUESTION 1.—It has been a long time since the facts occurred about which you have been examined, and therefore I wish you to state in answer to my questions only such things as you distinctly remember. Please say whether you remember while you were living at the mine or at the reducing establishment, that possession of the mine was given on more than one occasion?

ANSWER 1.—Only on one; that was before we quit the mine on the mountain and went below to live at the reducing establishment.

Q. 2.—While you were living on the mountain at the mine, do you remember whether it was the dry or the rainy season; and what protection from the weather had you?

A. 2.—We had a shanty-house built of brush; it was the wet season before we got away from there, and I believe it rained some before I went there?

Q. 3.—Please give the names of such persons as you distinctly remember to have been present at the time of giving possession.

A. 3.—Don Suñol, Don Noriega, old man Berreyesa, Pico. I believe Teodoro and Secundino Robles were there, but cannot remember distinctly.

Q. 4.—Can you distinctly remember whether or not José Fernandez was there?

A. 4.—Yes; he was there.

Q. 5.—Answer the same about Padre Real and Castillero?

A. 5.—I can't recollect whether they were there.

Q. 6.—Where were you while the party was there?

A. 6.—I was on the knoll where the mine is.

Q. 7.—Were you present when Pico used the words by which he gave the possession of the mine?

[Objected to as leading, inasmuch as witness has not said that Pico used any words.]

A. 7.—I don't recollect.

Q. 8.—How long did you stay at the mine after the occasion on which possession was given?

A. 8.—I suppose I staid there some three or four weeks.

Q. 9.—Where did you go when you came down from the mine?

A. 9.—Went down on the creek.

Q. 10.—What improvements, if any, did you make at that establishment on the creek?

A. 10.—Built a log-house, a blacksmith's shop, and that furnace.

Q. 11.—Did you build the house before you moved from the mountain?

A. 11.—I commenced it before, think I moved into it before it was finished.

Q. 12.—How long after you removed to the reducing establishment, before you used the iron pots to extract the quicksilver?

A. 12.—I could not tell; just as quick as we could get it up. I do not know how many days; a very short time.

Q. 13.—After you came to live at the reducing establishment did you still continue the process of extraction by means of a gun-barrel?

A. 13.—I think not.

Q. 14.—How was the ore brought from the mine to the reducing establishment?

A. 14.—On mules.

Q. 15.—Can you remember the name of the Mexican who you said was in charge of the force at the mine after you moved to the reducing establishment?

A. 15.—I cannot.

Q. 16.—Was it not Pedro?

A. 16.—I don't think that was the name. I do not recollect his name.

Q. 17.—Who suggested the use of the iron pot for the extraction of quicksilver?

A. 17.—I do not know; it was sent up, I believe, by the Padre.

Q. 18.—Who assisted you in making the well you have spoken of, with the trough at the bottom, and the iron bars over the top of it, and contriving the iron pot furnace?

A. 18.—I think Padre Real was there something like a week; there was myself and Billy, the blacksmith, with the Indians. Padre Real was there when we first commenced making the furnace. Padre Real and Secundino Robles were there when we first started the fire around the pot-furnace. Robles sat up with me all night to keep up the fire around the pot.

Q. 19.—How far was the pot-furnace from the log cabin in which you dwelt?

A. 19.—About fifty yards.

Q. 20.—How long after you removed into the log cabin before your family came to live with you?

A. 20.—I think about eight or ten days.

Q. 21.—Have you any papers containing memoranda, receipts, contracts, or a note of anything else by reference to which you can remember the dates of any of these occurrences more distinctly than you have stated them?

A. 21.—No; I had all my documents, papers and memoranda burnt up, otherwise I could have dates for almost anything. They were burnt up on my ranch in Tehama, with my house, a year ago last August.

Q. 22.—After you left the mine, finally, where did you go to reside?

A. 22.—In Santa Clara; at the Mission.

Q. 23.—How long did you live there? Where did you next go to live?

A. 23.—My family stayed there until 1855. I went into the mines, and went up to my ranch in 1847. Before I took my family up I staid up there three or four months and came down to see my family. As business increased I staid up there longer.

The house on my ranch is about three and a half miles from the town of Tehama. My ranch comes within a mile of the town. My ranch is three square leagues. I am a merchant in Tehama. I farm very little; I rent my land out.

Q. 24.—Please to state how you happen to be in San Francisco at the present time.

A. 24.—I came down to buy goods.

CROSS-EXAMINATION RESUMED.

QUESTION 1.—Who asked you to come here and testify?

ANSWER 1.—Mr. Barron sent a young man down to Goodwin's and requested me to go up to his office. I went up; some gentleman told me Mr. Barron was not in; asked me if I was in a hurry? I told him I would like to see him. They went out to look for him, could not find him. He then told me the business Mr. Barron had with me was connected with Mr. Peachy. I went up to Mr. Peachy's office; he was not there. I have never seen him yet. Mr. Peachy asked me when I was going to leave town? I told him Tuesday evening; he said he wanted me to stop to take my testimony in the Almaden case; I said I would tell all that I knew about it. I told him I would stop.

Q. 2.—Whilst you were up at the mine and before you went down to the creek, to the reducing place, how did you extract quicksilver?

A. 2.—In gun-barrels. We formed a little furnace in the bank and charged the gun-barrels with ore and put them over the furnace, stopped the touchhole, the muzzle dipped into water in a pan, or bucket, or something else; there were three or four gun-barrels; made a fire under and over the gun-barrels.

Q. 3.—Did you continue to do this after the possession, or were you occupied in building the log-house at the reducing establishment for a few weeks?

A. 3.—I think we were working with the gun-barrels at the time they gave the possession. I think we continued working with the gun-barrels after the possession for a little, but not much. It was a slow process, could not use the gun-barrels after they would get corroded; would get from one-half to one ounce of quicksilver out of each barrel.

Q. 4.—Was that all you got out prior to the possession you have spoken of?

A. 4.—I think that was all we got out except a little gotten out at the Mission in the same way.

Q. 5.—Where did you get the ore from that was used for these experiments?

A. 5.—Got it out of that cave. Don't recollect from what part of the cave; the Indians got it out.

Q. 6.—Was the ore visible in the sides of the cave?

A. 6.—Yes, the cave was red with it.

Q. 7.—Did you not always direct the Indians in taking the ore out?

A. 8.—I did when Castillero was not there; he stopped there when I first went up there.

Q. 9.—Don't you remember whether you adopted a particular plan with the Indians in digging?

A. 9.—After we commenced digging the well, they piled up the ore outside; I think the well was made a little outside the cave. I never was at the mine more than three or four times after I went down on the creek. I don't recollect whether we made the well before I went down to the creek or afterward. I went prospecting around to see if I could find the ore in any other place.

Q. 10.—Do you not recollect when you were experimenting with the gun-barrels, whether you got the ore out of the well or out of the cave?

A. 10.—I think it was out of the cave.

Q. 11.—Did this well open into the cave?

A. 11.—Yes, I think it did. There was only one way of getting into the cave; I won't be positive about it.

Q. 12.—Did you stay continuously at the mine during the time that you were there?

A. 12.—I went over to Santa Clara two or three times, but did not stay away any length of time.

DIRECT EXAMINATION RESUMED.

QUESTION 1.—How much time did Castillero stay with you when you were on the hill?

ANSWER 1.—He was coming and going; the longest time he stayed there at one time, was six or eight days.

WM. G. CHARD.

Subscribed and sworn to before me, this 16th day of Dec., A. D. 1858.

CUTLER McALLISTER,
U. S. Commissioner.

—

EXHIBIT X.

Received from Jas. Alex. Forbes the sum of fifty dollars in cash, for full value of my services one month in the mine of Almaden of Sta. Clara.

Oct. 16, 1846.

50 dollars. GUILLERMO G. CHARD.

Filed February 21, 1859.

W. H. CHEVERS, Clerk.

DEPOSITION OF PETER DAVIDSON.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
v.
ANDRES CASTILLERO.

SAN FRANCISCO, Jan. 22, 1859.

On this day, before Cutler McAllister, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Peter Davidson, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: The U. S. Attorney and Edmund Randolph; and A. C. Peachy, for claimant.

QUESTIONS BY ATTORNEY FOR CLAIMANT.

QUESTION 1.—Your name, age, place of residence and occupation?

ANSWER 1.—Peter Davidson; I am about 43 years of age; I reside in San José, county of Santa Clara; I am living on my income.

Q. 2.—Were you acquainted with Andres Castillero; state when?

A. 2.—I was acquainted with him; first in 1845, in the spring, May or June.

Q. 3.—Do you remember to have heard anything ot the discovery of a mine by Andres Castillero? But just state how long you have lived in California and how long in the pueblo of San José.

A. 3.—I came to California in 1841. Since 1842 I have been residing in San José and reside there now. I remember to have heard of the discovery of a mine by Castillero.

Q. 4.—About what time did you hear of it?

A. 4.—I saw the denouncements of it in 1845.

Q. 5.—What do you mean by seeing the denouncements of it; what did you see?

A. 5.—I saw the denouncement, the papers stuck up in the old Court-House, Jusgado Court, the mine of Santa Clara they used to call it then.

Q. 6.—About what time of 1845 did you see that denouncement?

A. 6.—Late in the fall of 1845.

Q. 7.—How far was your house from the Jusgado?

A. 7.—One hundred yards—it might be a little more; I live in the same place to this day.

Q. 8.—Do you remember to have heard of the possession of this mine having been given to Castillero?

[Objected to as leading.]

A. 8.—Yes.

Q. 9.—State about what time of the year you heard this.

A. 9.—It was the last of the year 1845, November or December, directly after the denouncement.

Q. 10.—State whether it was generally known in or about San José, that the mine had been discovered, denounced by, and possesion given to Castillero.

A. 10.—It was; almost by everybody in that vicinity.

Q. 11.—Did you ever visit the mine with Castillero? and state about what time; whether it was before or after possession was given.

A. 11.—I have visited the mine with Castillero and Padre Real; it was before possession was given, about October or November, 1845.

Q. 12.—Was any one at the mine when you visited it?

A. 12.—There was a gentleman by the name of Chard, a couple of Mexicans and three or four Indians. I believe Father Real or Castillero, or between the two, they put Chard there as an overseer.

Q. 13.—What was done while you was at the mine?

A. 13.—Old man Robles was there too, besides Chard, the Mexicans and the Indians; old man Robles died about three years ago; we tried to get some quicksilver; they were working with crowbar and picks getting ore out.

Q. 14.—How did you get the quicksilver out?

A. 14.—Took a gun-barrel, run it through a cask which he filled with water—the muzzle running into a basin—put some of the ore inside of the gun-barrel first, put fire around the breech of the barrel; the quicksilver dropped into the basin.

CROSS-EXAMINATION.

QUESTION 1.—Where were you born?

ANSWER 1.—I was born in Italy or Austria—on the frontier—about forty miles from Trieste.

Q. 2.—Did you come direct from Italy to California?

A. 2.—No; I went from Italy to England, from England back there again to Mecena, from there back to Liverpool, from Liverpool to Valparaiso, arrived at Valparaiso in 1838, from Valparaiso to Callao, from Callao to Mazatlan, Mexico; from Mazatlan to Callao, from there to California; arrived here in 1841.

Q. 3.—What was your business in 1845?

A. 3.—I was a merchant in San José.

Q. 4.—How and when did you get acquainted with Castillero?

A. 4.—I was introduced to him by Padre Real in May or June, 1845.

Q. 5.—Did you know him pretty well during that summer?

A. 5.—Yes; I got pretty well acquainted with him.

Q. 6.—How do you know that it was in October or November, 1845, that you went to the mine with Castillero, as you have spoken of?

A. 6.—I remember it very well, I used to supply them with goods and provisions. It was in one of those two months, October or November?

Q. 7.—See if you can recollect which of these two months it was?

A. 7.—That is too close. That I can't say.

Q. 8.—How do you know that it was before the possession was given?

A. 8.—Because I believe there was no possession given before that.

Q. 9.—Was it before you saw the denouncement paper stuck up in the old Court-House, or after?

A. 9.—It was before.

Q. 10.—Do you mean you had seen no denouncement paper stuck up before you went?

A. 10.—I had not; it might have been about the same time. When I came back I saw it stuck up; if it was, it was directly after.

Q. 11.—Have you any recollection at all that it was after you saw the paper stuck up, that you went out with Castillero, or is your only clear recollection that you went out with him before you saw the paper stuck up?

A. 11.—I can't state but what I have stated before; it is so long ago that I cannot positively say; thirteen years ago requires a good memory.

Q. 12.—Did anybody go with Castillero and yourself at the time you refer to?

A. 12.—Yes; José Maria Real, Padre Real; we three, no more.

Q. 13.—What was on the papers that you saw stuck up at the Jusgado? Give the substance.

A. 13.—It was the denouncement of the Santa Clara Mine; mentioning first Castillero and then the others; we the undersigned denounce the mine of Santa Clara, containing three metals—quicksilver, silver, gold. This was the substance of the paper; it was a long document.

Q. 14.—How long was the document?

A. 14.—About a sheet and a half of legal cap.

Q. 15.—Did you ever see more than one paper of denouncement of that mine by Castillero? I don't mean copies of the same paper.

A. 15.—I believe I did see the next denouncement which mentioned quicksilver; I believe I did, I am not certain; it was about December or January, about the last of 1845.

Q. 16.—Then both the denouncements that you saw stuck up spoke of quicksilver?

A. 16.—I believe they did, but the first spoke of those metals, the second of quicksilver only, and then, I believe, gave it the name of New Almaden. I am not certain.

Q. 17.—Is your recollection clear of what either of these denouncement papers contained?

A. 17.—I have stated it before; I can't state any more; three metals, then one.

Q. 18.—Do you remember any reason why quicksilver was denounced twice by Castillero?

A. 18.—Because the first rock they took out looked as if it contained the three metals, then they found it was quicksilver alone. I believe it to be so.

Q. 19.—But before the first papers of denouncement were stuck up, or just about that time, you had been to the mine with Castillero and seen them getting out quicksilver with a gun-barrel, had you not?

A. 19.—I had.

Q. 20.—And still before that time, they had found out that the mine contained quicksilver by making use of a gun-barrel in that way, had they not?

A. 20.—Yes.

Q. 21.—How long before that had you heard of Father Real or Castillero getting any quicksilver out the mine?

A. 21.—I heard of it a few days before; it could not have been longer than a week.

Q. 22.—What was the first metal you ever heard of as being in that mine?

A. 22.—First principally quicksilver, then there was supposed to be silver and gold besides quicksilver.

Q. 23.—Do you know where Castillero resided when he was in California?

A. 23.—When he was in our neighborhood, with Padre Real at the Mission, and sometimes at my house.

Q. 24.—Do you know where he was in the beginning, middle and end of December, 1845?

A. 24.—I believe he was in the neighborhood of San José.

Q. 25.—Was he not at Monterey in that month?

A. 25.—He may have been there, may have made a trip there; I don't recollect exactly.

Q. 26.—Did he not make Monterey his residence after the middle of December, 1845?

A. 26.—I do not recollect anything of that.

PETER DAVIDSON.

Subscribed and sworn to before me this 22d day of January, A. D. 1859.

CUTLER McALLISTER,
U. S. Commissioner.

Filed March 26, 1859.
W. H. CHEVERS, Clerk.

NOTICE OF MOTION FOR A COMMISSION TO TAKE DEPOSITIONS IN THE CITY OF MEXICO, AND AFFIDAVIT OF JOHN PARROTT.

DISTRICT COURT OF THE UNITED STATES,
For the Northern District of Caliornia.

THE UNITED STATES
v.
ANDRES CASTILLERO. } No. 440.

SIR:

Please to take notice that on next the we shall move this Court to take the depositions in the city of Mexico in the Republic of Mexico, of the following persons, viz: *Vicente Segura, Castillo Lanzas, José Maria Duran, José Maria Ortez Monasterio, Francisco Villalon, Romulo de Zevallos, Andres Villio Mejia, Manuel Cabeza de Vaca, Miguel Aristigui, Francisco Martinez Negrete, Mariano Miranda, Teodoro Sotomayor, J. Miguel Arroyo, Luis Cuevas* and *Ysidro Rafael Gondra*,—on behalf of the claimant; the said depositions to be offered in evidence on the trial

of this cause or for other purpose in said cause to which such evidence shall be applicable; and we shall at the same time, move the Court to issue a Commission to such person or persons as the Court shall name, for the aforesaid purpose, granting him or them full power and authority in the premises.

What the claimant expects to prove by the said witnesses, is set forth in the statement, verified by affidavit, a copy whereof is hereto annexed; so far as such statement is necessary for the purposes of this motion.

And you are further notified, that the claimant's interrogatories to the said witnesses, to be proposed under said commission, are the same as are on file in the Circuit Court of the United States for the Districts of California, in and for the Northern District, in the case of the United States *v.* John Parrott, et al., and which, for the purposes of this motion, you have agreed shall be considered as on file in this case.

The claimant here sets forth some of the facts which he expects to prove by the witnesses whose names are mentioned in the annexed motion for a commission.

He expects to prove by Vicente Segura, that he knew Andres Castillero in the months of April and May, A. D. 1846. That the said Vicente Segura was at that time President of the Junta de Fomento y Administracion de Mineria; that some time in the month of April, 1846, D. Tomas Ramon del Moral deposited with the said Junta certain specimens of cinnabar and quicksilver, which had been sent to the city of Mexico by the said Castillero, from a mine which he had recently discovered in Upper California. That some of the said specimens of cinnabar were sent to the National College of Mining for assay, in April, 1846; that an assay of them was made and reported to the said Junta in May, 1846.

That the said Segura, as President of the said Junta, signed and dispatched all the letters which appear in the defendant's Exhibits "G." "H." and "I." filed with their answer, in the said case of the United States *v.* John Parrott, et al., purporting to be signed by him; and that such letters were signed by him at the time they purport to bear date and are in every respect true and genuine.

That the said Junta received in the due course of official correspondence, all the letters, copies of which appear in said "Exhibit G." purporting to have been sent to the said Junta from the Ministry of Justice and Public Instruction, and to be signed by Becerra; and further, that said *Becerra*, at the date of said letter, was Minister of Justice and Public Instruction.

The claimant also expects to prove by the said Segura, that

the said Exhibits "G.," "H.," "I." and "K.," are faithful and accurate copies of certain original expedientes existing in the archives of the Administracion del Fonda de Mineria, in those of the National College of Mining, and in those of the Ministries of Exterior Relations and Government; and he further expects to prove by the said Segura, in whose handwriting are several of the documents in the said expedientes; and also the signatures and rubrics to the same.

He further expects to prove by the said Segura, that in the month of May, 1846, the said Castillero presented to the said Junta certain proposals for a contract, setting forth the aid he required from the government for the development of the mine of cinnabar which he had discovered in Upper California; and the advantages he would grant the government in consideration of receiving such aid; that said proposals were in writing and were agreed to by the Junta; and that the original document, signed by the said Castillero, and containing said proposals, was transmitted to the Minister of Justice by the said Junta in the letter of the 14th May, 1846, addressed to said Minister; and that said original letter and said original proposals are now in existence, and are identified by the said Segura, as such originals.

He further expects to prove by said Segura, that all the matters and things which are set forth in said Exhibits "G.," "H." and "I.," did really occur as they therein appear.

And he expects to prove by the said Segura, other things, not necessary to be specified in this motion.

And the claimant expects to prove by Castillo Lanzas, that he was Minister of Exterior Relations, Government and Police, in March, April and May, 1846; that during that time, he received from Pio Pico, Governor of the Department of California, the letter dated Angeles, February 13, 1846, a copy of which appears in said "Exhibit K.," and inclosed in it, the letter of Andres Castillero to the said Governor Pico, dated Mission of Santa Clara, 10th December, 1845, a copy of which also appears in said "Exhibit K."

And he further expects to prove that on or about the 20th May, 1846, the said Lanzas, while such Minister, received from the Minister of Justice and Public Instruction, an official communication, dated the 20th May, 1846, signed Becerra, and addressed to the Minister of Foreign Relations and Government, a copy of which appears in said "Exhibit K.," that on the 23d of May, 1846, the said Lanzas, as such Minister, wrote or caused to be written, on the margin of said communication, from the said Minister of Justice, the words: "*Espidon e las ordenes a que se contrae esta comunicacion*," and signed his rub-

ric thereto; that on the same 23d day of May, 1846, the said Lanzas, as such minister, signed an official communication to the Governor of the Department of California, containing a copy of the said letter from the Minister of Justice to the said Minister of Relations, directing the said Governor to put the said Castillero in possession of the two square leagues of land mentioned; and delivered the said letter to the said Castillero, a copy whereof is found in said defendant's "Exhibit M."

And he further expects to prove by the said Castillo Lanzas, that the said "Exhibit K." is a faithful and accurate copy of the expediente, consisting in the foregoing documents, which accumulated in the archives of the Ministry of Exterior Relations, Government and Police, while the said Lanzas was at the head of that department; and that all such documents in said expediente as were addressed to the said ministry, were received in the due course of official correspondence; and that the said official communication from the said Lanzas to the Governor of the Department of California, dated 23d May, 1846, directing the latter to put Castillero in possession of said two square leagues of land, was signed by the said Lanzas on the day it purports to bear date, and delivered to the said Andres Castillero on the same day.

And the claimant expects to prove other things by the said Lanzas, which they do not deem it necessary to set forth, for the purposes of this motion.

And that claimant expects to prove by José Maria Duran, among other things, that he was Chief Clerk of the Ministry of Justice and Public Instruction, in May, 1846; that Becerra was the Minister of Justice; that in the month of May, 1846, there were received in the Ministry of Justice, the several official communications addressed by the said *Junta de Mineria* to the said ministry, and signed by Vicente Segura, President of said junta; copies of which appear in said "Exhibit I.;" and that the said several communications were received by the said ministry in the due course of official correspondence; and that the signatures thereto, are the genuine signatures of the said Vicente Segura.

That to the said several communications from the said junta to the said ministry, replies were written and signed by the said Becerra and dispatched to the Junta; that according to the usual course of business in said ministry, office copies of said replies were preserved and now exist; that the original letters written in reply, as aforesaid, by Becerra, Minister of Justice, etc., now exist in the archives of *El Fondo de Mineria;* that they bear the genuine signatures of the said Becerra, and were signed by him on the days on which they respectively bear

date, and are in all respects true and genuine; and that the said Exhibits "G." and "I." are faithful and accurate copies of the expedientes relating to this business of the said Castillero, which accumulated in the archives of the said *Junta de Mineria* and of the Ministry of Justice and Public Instruction.

And the claimants expect to prove, among other things, by José Maria Ortez Monasterio, that he was Chief Clerk of the Ministry of Exterior Relations, Government and Police, in the month of May, 1846; that he wrote the marginal note which appears on the aforesaid letter from Pio Pico to the Minister of Foreign Relations; that said note was written by him and signed by Castillo Lanzas, Minister as aforesaid, on the day it purports to bear date; and that the rubric of the said Lanzas to the said marginal note, is his genuine rubric.

That the original expediente, a copy of which appears in said "Exhibit K." is a collection of papers relating to the said mine, and to the business of the said Castillero therewith, which accumulated in the archives of the Ministry of Exterior Relations, Government and Police, in the months of April and May, 1846; that the said expediente is now found in the Ministry of Government; and that said "Exhibit K." is a faithful and accurate copy of the said expediente.

And he further expects to prove by the said Monasterio, that a letter was received by the Ministry of Foreign Relations, etc., from Becerra, who was then Minister of Justice, etc., dated the 20th May, 1846; that said letter was received in the due course of official correspondence, and that it bears the genuine signature of the said Becerra, Minister of Justice; and that a copy of the said letter appears in said "Exhibit K."

And the claimant further expects to prove, among other things, by Mariano Miranda, that he was a Clerk in the Ministry of Justice and Public Instruction in May, 1846; that he wrote the official communication from the Minister of that department of the government to the Minister of Exterior Relations, Government and Police, dated May the 20th, 1846, signed Becerra, a copy of which appears in said "Exhibit K;" that the said letter was written by him on the day it purports to bear date; that the said letter bears the genuine signature and rubric of the said Becerra, who was then Minister of Justice, etc., and is in all respects true and genuine.

And the claimant further expects to prove, among other things, by Teodoro Sotomayor, that he was a Clerk in the Ministry of Justice and Public Instruction in May, 1846; and that he wrote the original letter a copy of which appears in said "Exhibit G." dated the 20th May, 1846, addressed to the *Junta de Mineria, etc.*, and signed Becerra; and that said letter was

written on the day it purports to bear date, and is in all respects true and genuine.

And the claimant further expects to prove, by J. Miguel Arroyo and by D. Luis Cuevas, that the said J. Miguel Arroyo was *Oficial Mayor Primero* of the Ministry of Exterior Relations of the Republic of Mexico, in the months of April and May, 1858.

And the claimant further expects to prove, among other things, by Francisco Martinez Negrete, that in the month of December, 1846, he was in the city of Mexico, acting as the agent of Alexander Forbes of Tepic, who was then in said Tepic in the Republic of Mexico, in and about the business of purchasing from Andres Castillero some proprietory shares in the Mine of New Almaden, and obtaining from said Castillero the ratification of a certain contract of *avio* which had been made in Tepic between said Alexander Forbes and the Priest Eugene Macnamara, who claimed to act as the agent of the owners, and that as such agent the said Negrete did purchase for the said Forbes a proprietory interest in said mine, and obtain from said Castillero a ratification of the said contract of *Avio*.

And that the said Francisco Martinez Negrete was present before the Notary Public, Nazario Fuentes, before whom passed the act of sale by said Castillero to said Alexander Forbes on the 17th day of December, 1846, and as the agent of the said Alexander Forbes signed the instrument of sale; that on the said 17th December, 1846, the said Negrete was present before the said Notary before whom passed the act of ratification by said Castillero of the aforesaid contract of *avio*, and as the agent of the said Alexander Forbes signed said act of ratification.

And the claimant further expects to prove, by the said Negrete, that the original instruments thus signed by him, now exist in the office of Juan Navarro, a Notary Public and National, in the city of Mexico, in a book bearing the superscription or title, "*Año de* 1846. *Protocolo de instrumentos Publicos del Escribanos Nazario Fuentes;*" that the said Negrete at the time of signing said act of sale and of said ratification of the contract of *avio*, saw either the original document making the concession referred to by the said Castillero, in the said instrument of ratification as a concession of to him of two square leagues by the Supreme Government; or the copy of the said concession which was annexed to the said instrument of ratification of *avio*, as therein expressed, or both.

And the claimant further expects to prove, by the said Negrete, that "Exhibit L." filed with said defendant's said answer, is a true, faithful and accurate copy of the said act of sale and of

said act of ratification as they appear in the instruments of sale and ratification in said Book of Protocols; and that the said concession by the Supreme Government of two leagues of land to the said Castillero, was copied in the said instrument of ratification before it was signed by either of the parties thereto.

And the claimant further expects to prove, among other things, by Romulo de Zevallos, Francisco Villalon and Andres Villio Mejia, if they or any of them be living, that on the 19th day of December, 1846, they were Notaries Public in the city of Mexico, and in that capacity certified to the signature of Nazario Fuentes, which was affixed to a *testimonio* of the said public act of ratification of the said contract of *avio* by Castillero, and also certified to the office of said Nazario Fuentes; that the said certificate was written and signed by the said three Notaries Public on the 19th day of December, 1846, who affixed thereto on that day, the seal of the National College of Notaries of Mexico in authentication of the same. The abovementioned *testimonio* was issued in favor of Mr. Alexander Forbes, one of the parties to the said act of ratification, and delivered to his said agent, D. Francisco Martinez Negrete, as the claimant expects to prove by said Negrete, and contains a copy of the concession of two leagues of land in colonization by the Supreme Government to the said Castillero, of which the usufruct was granted by the latter in the said act of ratification to Alexander Forbes and Company during the term of the said *avio*, being an exact copy of the defendant's title in colonization offered by them in evidence, as will appear in the *testimonio* itself, which goes annexed to the interrogatories to be propounded to the said Negrete.

And the claimant further expects to prove, by Manuel Cabeza de Vaca, Miguel Aristigui and Francisco Villalon, or by such of them as may be living, that on the 6th day of February, 1847, in the city of Mexico, they being Notaries Public, did certify to the office and signature of Nazario Fuentes, which certificate was written on a copy of the said instrument of ratification, which issued from the office of said Nazario Fuentes, signed by him as a *copy;* and that the said certificate was signed by the said De Vaca, Aristigui and Villalon on the 6th of February, 1847, and was authenticated by the seal of the National College of Notaries of Mexico, affixed thereto on the same day. This copy will go annexed to the interrogatories to be propounded to Francisco Villalon.

And the claimant further expects to prove, among other things, by Ysidro Rafael Gondra, that he was a Clerk in the said Junta de Mineria, in the months of April and May, 1846, and that he wrote several of the documents, copies of which appear

in said "Exhibit G." and that the same are genuine, and were written at the time they purport to bear date.

PEACHY & BILLINGS,
Attorneys for Castillero.

STATE OF CALIFORNIA,
Northern District of California. } ss.

John Parrott, on oath says, that he has read the foregoing statement and knows the contents thereof, and that he is informed and believes that the claimant will be able to prove by the witnesses named therein, all the matters and things which in said statement they say they expect to prove.

And the affiant says, further, that many of the most important and material facts which the claimant expected to prove, to wit: those resting in the personal knowledge of the said witnesses and relating to Castillero's transactions with the Mexican Government, and to his presence in the city of Mexico, in May, 1846, and to the official acts of the witnesses themselves in connection therewith, the claimant cannot prove by any person in California, or by any other process except those named. Deponent further says that he has an interest in the lands involved in this case, and described in the papers therein, that he derived said interest from and under Andres Castillero the claimant in said case, that said Castillero is absent from the State of California, and that this deponent makes this affidavit on that account, said claimant not being able to make said affidavit by reason of his said absence, and further deponent says not.

JOHN PARROTT.

Subscribed and sworn to before me, this 17th day of March, A. D. 1859.

SAMUEL HERMANN,
Notary Public.

Filed March 17, 1859.

W. H. CHEVERS, Clerk.

DEPOSITION OF SHERMAN DAY.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
v.
ANDRES CASTILLERO.

SAN FRANCISCO, April 26, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came Sherman Day, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, of counsel for the claimant; and the U. S. Attorney and Mr. Randolph, for the United States.

QUESTIONS BY MR. PEACHY.

QUESTION 1.—What is your name, age, place of residence, and occupation?

ANSWER.—Sherman Day; 53 years of age; San José, Cal.; am Civil Engineer and Surveyor.

Q. 2.—Have you been in the employ of the New Almaden Company; if yea, when, and in what capacity?

A.—I have; was employed by them as civil engineer at the mine, in the month September, 1856, to the time the mine closed, about the 1st of November, 1858.

Q. 3.—Have you made a survey of the mine and the lands surrounding? If yea, state the character of the survey, and for what purpose it was made.

[Question objected to by Mr. Randolph, on the ground that private surveys by an engineer of the company, or any other person, are not admissible in evidence in this case.]

A.—I have made a survey of the mine, and such of the lands surrounding it as was immediately contiguous to the mine and the hacienda, for the purpose of opening tunnels, drifts, shafts, excavations, the ordinary workings of the mine, and roads.

[Answer objected to for the same reason as to the question.]

Q. 4.—Have you made a map, or maps, of your survey, or surveys; if yea, will you produce them for the purpose of having them annexed to this deposition?

[District Attorney objects to the introduction of the maps called for on the ground that they are inadmissible in evidence, being private surveys.]

A.—I have made and caused to be made maps of my surveys, and have three of them here. I now produce them.

[Answer objected to on the same ground as to question.]

The three maps are now produced, marked respectively:

No. 1, annexed to deposition of Sherman Day, taken April 26, 1849. No. 2, annexed to deposition of Sherman Day, taken April 26, 1859. No. 3, annexed to deposition of Sherman Day, taken April 26, 1859.

No. 1—is a general map showing the old tunnel, the new tunnel, the mine, the planilla or dressing floor, and a portion of the roads leading to the mine and the contour of the hills immediately contiguous to the mine. It is on the scale of 100 feet to the inch.

No. 2—is a map of the mine on a scale of twenty feet to the inch. Not including the new tunnel; showing the old tunnel, the yard and the ground plan of the working of the mine.

No. 3—is a profile of the vertical section along the center line of the new tunnel, including also a section of a portion of the mine near the line of the new tunnel.

Q. 5.—Please identify on Map No. 2, the original mouth of the mine.

A.—The place marked "Old adit opened" is the place which has been pointed out to me as the original mouth of the mine.

Q. 6.—Please state the dimensions of the tunnel, marked on Map No. 2, "Tunnel opened in 1851."

[Same objection as to previous question.]

A.—From the mouth of the main tunnel referred to, to the center of the deep shaft, the length is 769 feet. The diamater of the whimround is 38 feet, to be added to the length of the tunnel—making 807 feet from the mouth of the tunnel to the inner side of the whimround. The tunnel is ten feet wide, and generally ten feet high or more.

Q. 7.—Do you know the elevation above tide water of the peak of the hill in which the mine is?

[Objected to as irrelevant.]

A.—Don't know from any observation made by me.

Q. 8.—How far below the peak of the hill is the mouth of place marked, "Old adit opened," on Map No. 2?

A.—One hundred and sixty and three-tenths feet.

Q. 9.—How far below that point is the mouth of the tunnel of which you have spoken?

A.—One hundred and seventy and eight-tenths feet.

Q. 10.—Are the levels of the different points in the mine indicated in Map No. 2; if yea, with reference to what point?

A.—They are indicated by figures on each particular portion of the mine, showing a depression of such portion below the plane of reference, which is the peak of the mine hill immediately over the whim.

Q. 11.—What is the lowest point of depression in the mine?

A.—The bottom of the deep shaft, which is 573 76-100 feet below the plane of reference or 242⅜ feet below the mouth of the main tunnel.

Q. 12.—You will please describe the new tunnel.

A.—The mouth of the new tunnel is situated at a point 789 63-100 feet below the peak of the mine hill, and at a distance of 2,283 feet from the intersection of the center line of the main tunnel with the center line of the new tunnel. Said intersection is 55 feet north-westerly from the center of the main shaft and the center line of the new tunnel bears from said point of intersection N. 41° 40′ E. true course. The tunnel is six feet wide by seven feet high inside of the timbers, as near as I remember, and will be when finished 1,839 feet to its probable intersection with the vein, as nearly as can be determined from the average dip of the vein as far as opened. At 159⅜ feet from the mouth of the new tunnel is a small shaft 180 feet deep, already opened for ventilation; it is about three feet in diameter. At the distance of 577½ feet, and 1,160½ feet respectively, from the mouth of the new tunnel, two shafts are projected, to be in size four feet by six feet. The depth of the shaft nearest to the mouth will be 236 6-10 feet to the roof of the new tunnel; of this depth 150 3-10 has been excavated. The depth of the shaft furthest from the mouth will be 447½ feet to the roof of the new tunnel, of which 108 8-10 feet have been excavated. From the mouth of the new tunnel there has been excavated 508 2-10 feet of tunnel itself. The new tunnel will drain the mine about 215 feet lower than the lowest part of vein now opened.

Q. 13.—What are the dimensions of a rectangular parallelogram which would contain all of the excavations in the mine, which have been worked as mineral ground?

A.—Six hundred feet by four hundred and fifty feet. This includes ground strictly productive of cinnabar, but does not include all the mouths of tunnels and adits leading to the cinnabar.

[Question and answer objected to as not relevant to the issue.]

Q. 14.—Explain the seven squares drawn in the red lines, on Map No. 1, through which runs the red line marked on that map, "General course of the river, North 2° West (magnetic,) dipping to the north at an average inclination of 48 degrees."

A.—Those squares are intended to represent seven mining *pertenencias*, each of 200 varas square, or 550 feet square. The first of those *pertenencias* commences at a point 275 feet nearly magnetic south, from that point in the mine at the inner end of the old adit where the first deep pit is said to have been sunk for mineral, according to the map of my predecessor, Mr. N. S. Bestor. The eastern side of the first *pertenencia* is 175 feet easterly from the said point.

[Question and answer objected to on the same ground as foregoing.]

CROSS-EXAMINATION.

Q. 15.—What in English measure is the area of the square of 6,000 varas?

A.—About nine and three-fourths square miles.

Q. 16.—What in English measure is the area of a circle with a radius of 3,000 varas?

A.—Seven and two-thirds square miles.

Q. 17.—What in English measure is the area of two square Spanish leagues—*Sitios de ganado mayor?*

A.—A little more than thirteen and one-half square miles.

Q. 18.—In these calculations what have you assumed to be the measure of a vara?

A.—Thirty-three English inches.

SHERMAN DAY.

Sworn to and subscribed, April 26th, 1859, before me,

W. H. CHEVERS,
U. S. Commissioner.

[Here follow exhibits Nos. 1, 2, and 3, being three maps referred to in the foregoing deposition.]

Filed April 26th, 1859.

W. H. CHEVERS, Clerk.

NOTICE OF MOTION FOR ORDER TO TAKE DEPOSITIONS OF BASSOCO AND OTHERS IN OPEN COURT.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SIR:—Please take notice that on Monday next, the 23d inst., at the opening of the court, or as soon thereafter as counsel can be heard, we shall move the court for an order to take in open court on some day or days to be fixed by the court, the depositions of the following witnesses on behalf of the claimant in the above entitled cause, to be read in evidence on the trial thereof, that is to say, the depositions of

Sres. Dⁿ. J. M. de Castillo y Lanzas,
Dⁿ. José Maria de Bassoco,
Dⁿ. Francisco Martinez Negrete,
Dⁿ. Blas Balcarcel,
Dⁿ. Antonio del Castillo,
Dⁿ. J. M. Yrisarri,
Dⁿ. A. J. de Velasco,
Dⁿ. Mariano Miranda,
Dⁿ. Francisco Villalon.

Respectfully, etc., etc.

PEACHY & BILLINGS,
Attorneys tor Claimant.

21 May, 1859.

To P. DELLA TORRE, Esq. U. S. District Attorney.

Filed May 23, 1859.

W. H. CHEVERS, Clerk.

MOTION TO TAKE THE DEPOSITIONS OF WITNESSES.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

Andres Castillero, the claimant in the above entitled cause, by A. C. Peachy, his attorney, moves the court for an order to take the depositions of Sres. Dⁿ. J. M. Castillo y Lanzas, Dⁿ. José Maria de Bassoco, Dⁿ. Francisco Martinez Negrete, Dⁿ. Blas Balcarcel, Dⁿ. Antonio del Castillo, Dⁿ. J. M. Yrissari, Dⁿ. A. J. de Velasco, Dⁿ. Mariano Miranda, and Dⁿ. Francisco Villalon, witnesses on behalf of the claimant in said cause, in open court, on some day or days to be fixed by the court.

A. C. PEACHY,
23 May, 1859. Attorney for Castillero.

Filed May 23, 1859.

W. H. CHEVERS, Clerk.

ORDER OF REFERENCE TO W. H. CHEVERS, U. S. COM'R., TO TAKE TESTIMONY OF CERTAIN WITNESSES.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v
ANDRES CASTILLERO.

On motion of A. C. Peachy, Esq., attorney for the claimant, it is ordered that the depositions of Sres. Dⁿ. J. M. Castillo y Lanzas, Dⁿ. José Maria de Bassoco, Dⁿ. Francisco Martinez Negrete, Dⁿ. Blas Balcarcel, Dⁿ. Antonio del Castillo, Dⁿ. J. M. Yrisarri, Dⁿ. A. J. de Velasco, Dⁿ. Mariano Miranda, Dⁿ. Francisco Villalon, may be taken in this cause.

And it is further ordered, but without prejudice to the motion this day made by claimant's counsel for taking the depositions of said witnesses in open court, that said depositions may

be taken before W. H. Chevers, Esq., Commissioner, after due notice to the U. S. District Attorney.

OGDEN HOFFMAN,
May 23, 1859. District Judge.

Filed May 23, 1859.
W. H. CHEVERS, Clerk.

DEPOSITION OF JACOB P. LEESE.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES,
v.
ANDRES CASTILLERO.

SAN FRANCISCO, May 30, 1859.

On this day, before me, W. H. Chevers, a Commissioner of the United States for the Districts of California, duly authorized to administer oaths, etc., etc., came Jacob P. Leese, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366 on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows:

Present: A. C. Peachy, of counsel for claimant, and the U. S. Attorney and Edmund Randolph, Esq., for the U. S.

QUESTIONS BY CLAIMANT'S COUNSEL.

QUESTION 1.—What is your name and place of residence?

ANSWER.—Jacob P. Leese; place of residence, Monterey.

Q. 2.—Were you acquainted with Andres Castillero? state during what time.

A. 2.—I was; I first became acquainted with him about the month of May, 1836, when he first came to California with Gov. Chico, Governor of the department.

Q. 3.—Were you acquainted with Castillero in 1845?

A.—I was.

Q. 4.—Do you know anything about the discovery, by Castillero, of metal in the ore taken from the place now called the Almaden Mine? if yea, please state what you remember about it.

A.—About the latter part of November, or first of De-

cember, 1845, I went into the mission of Santa Clara to dine with Padre Real of the mission; Mr. Castillero was there. Our general conversation through dinner was about this mine, and of experiments which Castillero had been trying, to find out what the mineral was. He made a remark, and said he thought he knew what it was; if it was what he supposed it was, he had made his fortune. We were anxious to know what it was. He got up from the table and ordered the servant to pulverize a portion of this ore; after it was pulverized he ordered the servant to bring in a hollow tile full of lighted coals; he took some of the powdered ore and threw it on the coals; after it got perfectly hot he took a tumbler of water and sprinkled it on the coals with his fingers; he then emptied the tumbler and put it over the coal upside down; then took the tumbler off and went to the light to look at it; then made the remark that it was what he supposed it was, "quicksilver." He showed all who were there the tumbler and we found that it was frosted with minute globules of the metal, which Castillero collected with his finger and said it was quicksilver. He then said: to-morrow he would test it thoroughly and find out what it was worth, he considered it very rich on account of the weight of the ore, and if it proved as rich as the quicksilver mines in Spain, that the Mexican Government had offered to any one for the discovery of such a mine in the republic of Mexico, one hundred thousand dollars.

Q. 5.—Was there any experiments made the next day?

A.—I did not remain to see. I went early the next morning to the pueblo of San José. The next following evening, at San José, it was rumored about that this ore produced quicksilver. I don't remember the person, but it was some person explained the process who had seen it; he told me they had succeeded in obtaining a small vial of quicksilver by using a gun-barrel. I left the pueblo and went by way of Contra Costa to my home in Sonoma, and a few days afterwards Mr. Castillero sent Gen. Vallejo, at Sonoma, a vial of quicksilver, with a letter informing him of the discovery. Castillero had been previously, that is sometime in the mouth of November, over in Sonoma, and had conversed with Gen. Vallejo about this mineral, the nature of which he had not then ascertained.

Q. 6.—Had you been with Castillero, at any time previous to the night of the discovery of which you have spoken, on a visit to any person in California? if yea, state to whom, and what was the purpose of the visit.

A.—Yes, I had been on a visit with Mr. Castillero and Gen. Castro, to Captain Sutter. I left at Sonoma with them to visit Capt. Sutter's establishment, which was called New Helvetia. Mr. Castillero informed me that the Mexican Govern-

ment having become jealous of Sutter's establishment on the frontier, had directed him, Castillero, to endeavor to purchase out Sutter's establishment for the Mexican Government. The object of Gen. Castro on that visit, was to induce the foreigners to come down nearer the settlements, offering them lands if they would do so. I acted as interpreter between Capt. Sutter, Gen. Castro, and Castillero. The negotiations failed because Castillero insisted as a condition of the purchase by the Mexican government that Capt. Sutter should leave the country, to which he would not consent, though he was willing to sell. Another difficulty in the way was that Castillero offered to pay in drafts on Mazatlan and Mexico, having no cash, while Sutter insisted on receiving the price in cash. I understood from Castillero that the Mexican Government was desirous of breaking up Sutter's establishment in the north on account of its consisting almost entirely of foreigners. Castro's object was to disperse these foreigners among the native Californians and to identify them in interest with Californians and against the Mexican Government. This arose from the recent difficulties between Governor Micheltorena, who represented the Central Government, and the native population of California, in which Sutter and the foreigners in his settlement took sides with Micheltorena, while the foreigners who lived further south among the natives took sides against him, or rather against the soldiers of Micheltorena, who had been quartered on Californians by the Mexican Government, and were for the most part outcasts, vagabonds, and criminals, whom the Central Government desired to send to a distance. We had only one interview with Sutter, and that was on the evening of our arrival. On the next morning, after Gen. Castro had made a speech to the foreigners, explaining the object of his visit as I have stated it, he and Castillero left the fort on their return to Santa Clara by way of the Cosumnes River. I remained at the fort all of that day and left the next morning for Sonoma by the route we had taken to the fort. By arrangement I left Sonoma shortly after I reached there and crossed from Saucelito to San Francisco, from which place I went to Santa Clara to meet Castillero. It was on the evening of my arrival in Santa Clara that Castillero made the discovery of quicksilver in the mode I have described.

CROSS-EXAMINATION.

QUESTION 1.—Have you had any conversation lately with Gen. Vallejo about the bottle of quicksilver and letter from Castillero of which you have spoken?

ANSWER.—I have not. I have not seen him since last Feb-

ruary. Before that time I never spoke to him about it, except that I asked Gen. Vallejo if he could give me the dates of the visit to Capt. Sutter above described. The letter which I went to inquire about was a letter written before we went to Sutter's Fort, and not the letter explanatory of the discovery.

Q. 2.—When you saw Gen. Vallejo in February, did you have any conversation with him about the letter and vial or bottle of quicksilver he had received from Castillero announcing the discovery of quicksilver in the ore of the mine?

A.—I had not.

Q. 3.—Has nothing occurred to recall to your memory the vial of quicksilver and Castillero's letter to Gen. Vallejo, from the day that they were received by Gen. Vallejo at Sonoma down to the present day?

A.—Nothing more than thinking over the circumstances since I knew I was to give testimony in this case.

Q. 4.—At what time did the recollection of this vial and letter come to your mind?

A.—I think about a month ago.

Q. 5.—What brought it to your mind at that time?

A.—Talking of the circumstance of the discovery of this mine with Salvador Vallejo, at the same time talking of this suit.

Q. 6.—During the long time that this suit has been pending have you not often had conversations with your old acquaintances in California about this suit and about the discovery of quicksilver in the mine?

A.—I have.

Q. 7.—But the letter and the vial had escaped your recollection until your conversation with Salvador Vallejo about a month ago; is that what you say?

A.—Yes, sir.

Q. 8.—Is Salvador Vallejo a brother of Gen. Vallejo?

A.—Yes.

Q. 9.—Where was Gen. Castro when Castillero made the experiment with the glass?

A.—He was present, at least I think he was. There were several persons present that I recollect; Padre Real was there, old Mr. Galindo was there, old Mr. Robles, father of Secundino and Teodoro, was there; I remember it from the fact of his bringing a bag of ore there, which as I heard from him he had done the day before.

Q. 10.—Did Gen'l Castro, Father Real, or any of the rest of them, except Castillero, know at that time that the metal was quicksilver?

A.—Not until after Castillero pronounced it quicksilver.

Q. 11.—I suppose you all watched Castillero's operations with interest, and considered it a very pretty experiment, did you not?

A.—We were all surprised at the experiment.

Q. 12.—Did you hear Father Real or Gen'l Castro express their surprise, or say any thing about the discovery and experiment at the time?

A.—I think I heard them all express their surprise at the discovery, as it was something they had never seen before.

Q. 13.—How long after you parted company with Castillero and Castro at Capt. Sutter's Fort was it before you met them again at dinner with Father Real at the Mission of Santa Clara, and saw the experiment performed?

A.—I think it was about a week after; seven or eight days.

Q. 14.—What time was it that you went to Capt. Sutter's Fort?

A.—From the middle to the last of November, 1845.

Q. 15.—Might it not have been from the middle to the last of October?

A.—No, sir; I think not. I know it was in November.

Q. 16.—Can you be certain now in the year 1859, to the very month of your visit to Capt. Sutter?

A.—Yes, sir. I am certain of it.

Q. 17.—Have you got any writings to show the time you made that visit?

A.—I have writings which were made before I went to Sutter's Fort, and these writings are dated in that month of November.

Q. 18.—Are the writings you speak of in your hand writing, and have they been in your keeping since that time?

A.—They are in my hand writing; they are copies made by myself at that time, and I have them now, but not here.

Q. 19.—Of what nature are these writings you speak of?

A.—A memorial to establish a colony somewhere in California. It was written by Victor Prudon, and copied by myself; the original, which was sent, was signed by myself, and on my copy appears the date, copied on by myself; I don't remember the day, but it was in November.

[Witness is asked to produce the paper he refers to, and says that he will do so when he comes again; it is now at his house in Monterey.]

[Counsel for claimant consents that witness may be recalled for further examination on this point if desired.]

DIRECT, RESUMED.

QUESTION 1.—Did you keep a journal in those days in which you would have made a note of your visit to Sutter's Fort?

ANSWER.—No.

Q. 2.—Whom did you see at Sutter's Fort that you remember, on the occasion of that visit?

A.—There were very few people at the fort at the time, and they were all strangers to me except Capt. Sutter.

Q. 3.—In those days were you acquainted with Major Redding, Major Hensley, and Major Snyder?

A.—I was not acquainted with Majors Redding and Hensley, but I was acquainted with Major Snyder.

Q. 4.—Did you see Major Hensley on the occasion of that visit?

A.—I do not remember; I may have seen him, but I did not know him.

Q. 5.—Have you any memoranda, made at the time, by which you can ascertain how many days you spent in Sonoma on your return from Sutter's Fort before you started for Santa Clara?

A.—I don't think I have. I was in mercantile business at that time, from which I might possibly make a calculation of the time referred to in the question; but they are at present at Santa Rosa, where I understand they now await my order, although they have been hitherto detained from me by the person in whose possession they are.

Q. 6.—Have you any means of ascertaining the exact date of your arrival at Santa Clara?

A.—I have none. The only means I have was that I heard of the denouncement of the mine a few days after I returned to Sonoma, and how they divided out the capital stock among themselves.

Q. 7.—Did you transact no business on that visit to Santa Clara, and of which you would have made note in your account books?

A.—Yes, I think I did. I collected some accounts there.

Q. 8.—Do you think that your account book containing a memorandum of those collections is in your private papers in Santa Rosa?

A.—Yes, sir.

Q. 9.—Can you produce that book to-day?

A.—No, sir.

Q. 10.—Where did you live all the year 1845?

A.—At Sonoma.

Q. 11.—How often in that year were you in Santa Clara or San José?

A.—I can recollect twice, in October and November.

Q. 12.—You have said that after your return to Sonoma you had heard of the discovery of this mine; had you not heard of that before?

A.—I don't think I had. Before that it was spoken of in Santa Clara, that it was going to be divided between Father Real, Castillero, Robles, and Alvarado. I myself made a proposition to take an interest.

Q. 13.—When Castillero spoke of the premium the Mexican Government had offered for the discovery of a great quicksilver, mine did he say any thing about that premium or bounty belonging to him exclusively and not to his partners?

A.—To him exclusively, for I knew nothing then of his having any partners.

Q. 14.—Do you not remember that in conversation with me upon this subject you told me that as soon as Castillero had made that discovery of quicksilver, he immediately spoke of the bounty that had been offered by the Mexican Government for such discovery, and said that it belonged exclusively to him, and not to his partners in the mine, and that that bounty would alone make his fortune; he estimating it at one hundred thousand dollars?

A.—I recollect that very well, except that I don't recollect saying anything about his having any partners, but was given to understand that the bounty was exclusively his own.

Q. 15.—When can you procure your books and private papers from Santa Rosa?

A.—I can't say when, unless I should go after them, and also it has escaped my momory that some of my papers are divided and Mrs. Fitch has some of them.

Q. 16.—Will you please collect your papers or produce such of them as will enable you to fix the exact day of your visit to Sutter's Fort; the number of days you remained in Sonoma after your return, and before going to Santa Clara; and the day of your arrival in Santa Clara, when you come to San Francisco in July next?

A.—I will do all that is in my power.

Cross-Examination, Resumed.

Q. 1.—Had you heard much talk about quicksilver in California before the time of Castillero's experiment?

A.—Never heard anything. The first any of us ever heard of quicksilver was then.

Q. 2.—Was it by the same conveyance which brought the letter of Castillero to Gen'l Vallejo, and the vial or bottle of quicksilver, that you first heard that Castillero had made up a partnership and how they had divided the capital stock between them?

A.—It was about that time.

Q. 3.—Is your memory of the dates you have mentioned so clear that you would be surprised if after all it should turn out that you went to Sutter's Fort in October and not November, and that Castillero made his experiments in October and not in November, 1845?

A.—I might be mistaken.

J. P. LEESE.

Sworn to and subscribed, May 30th, 1859, before me,

W. H. CHEVERS,
U. S. Commissioner.

Filed May 30th, 1859.

W. H. CHEVERS, Clerk.

ORDER TO TAKE TESTIMONY IN OPEN COURT, ETC.

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the Court House, in the City of San Francisco, on Monday the 30th day of May in the year of our Lord one thousand eight hundred and fifty-nine.

Present: Honorable Ogden Hoffman, District Judge.

THE UNITED STATES
v.
ANDRES CASTILLERO. } No. 420.

On motion heretofore made, it is ordered that the deposition of José Maria de Bassoco, on behalf of the claimants in this case, be taken in open court on Wednesday next, June 1st.

Filed May 30th, 1859.

W. H. CHEVERS, Clerk.

ORDER TO PUBLISH THE DEPOSITION OF JOHN FORSYTH.

At a stated term of the District Court of the United States of America, for the Northern District of California, held at the Court-House, in the city of San Francisco, on Friday the 17th day of June in the year of our Lord one thousand eight hnndred and fifty-nine.

Present: Honorable Ogden Hoffman, District Judge.

THE UNITED STATES
v.
ANDRES CASTILLERO. } No. 420.

On motion of Messrs. Peachy and Yale, of counsel for claimants, and by consent of parties, it is ordered by the court that the deposition of the Hon. John Forsyth, remaining under the the seal of R. B. Owen, United States Commissioner, be, and the same is hereby published.

Filed June 17th, 1859.

W. H. CHEVERS, Clerk.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
v.
ANDRES CASTILLERO.

To A. J. Requier, Esq., District Attorney for the United States for the Southern District of Alabama:

SIR—You will please take notice that on Monday the 2d day of May, A. D. 1859, between the hours of 10 o'clock A. M. and 5 o'clock P. M., at my office in the city of Mobile, I shall, as Commissioner for the Circuit Court of the United States for the Southern District of Alabama, proceed to take the deposition of John Forsyth, to be read in evidence on behalf of the defendant, in the above entitled case of the United States of America against Andres Castillero, now pending in the District Court of the United States for the Northern District of California, and that the taking of said deposition will be continued from time to time until it is completed; and you are

hereby notified to be present at the taking of said deposition, and to put interrogatories to the witness, if you think fit.

MOBILE, April 28th, 1859.

R. B. OWEN,
U. S. Commissioner.

SOUTHERN DISTRICT OF ALABAMA.

Received and executed April 29th, 1859, by delivering to A. J. Requier, Esq., U. S. District Attorney, Southern District of Alabama, a true copy of the within notice.

C. M. GODBOLD,
U. S. Marshal.

BY GEO. W. MILLER,
Deputy Marshal.

[Fees $2.]

UNITED STATES OF AMERICA,
Southern District of Alabama.

Be it remembered, that on this second day of May, 1859, before me, Richard B. Owen, a Commissioner of bail and affidavit, appointed by the Circuit Court of the United States for the Fifth Judicial Circuit and Southern District of Alabama, not being of counsel or attorney for either of the parties, in a certain civil cause pending in the District Court of the United States for the Northern District of California, wherein the United States are plaintiffs, and Andres Castillero is defendant, nor interested in the event of said cause, personally appeared the Hon. John Forsyth, living in the city of Mobile and State of Alabama, a witness of sound mind and lawful age, for the said defendant, who being by me first carefully examined, cautioned, and sworn to testify the whole truth, did depose and say:

"In the months of July and August, 1858, I was Minister of the United States of America to the Republic of Mexico, and residing as such in the city of Mexico. In the months of July and August, 1858, at the instance of Mr. Eustace Barron, of Mexico, who was one of the parties claiming an interest in certain quicksilver mines in California, known as the New Almaden Quicksilver Mines, I went in company with the British Consul in Mexico, Frederick Glennie, Esq., Mr. John P. Brodie of California, who had come as agent for the claimant of the

mines, and the Licentiate Emilio Pardo, first to the office of the Junta de Mineria, when and where was produced from the archives of said office an expediente which being carefully compared with a copy in the hands of the said Pardo and Brodie, proved to be absolutely alike and correct in every respect, and to that copy I made a certificate dated the 4th of August, 1858.

On the 30th of July, I was present in the college of mines with the same parties, where Don Joaquin Valasquez de Leon, produced an expediente before the same parties, which was compared with a copy in the hands of Brodie and Pardo, and found to be alike and correct in every respect, and was certified by me on the 4th of August, 1858. On the 29th of July, 1858, I was present at the office of Ministry of Foreign Relations, when and where the Chief Clerk of the section of Europe, Don Manuel Larrañaga, produced from the archives of said office an expediente, which being compared before the same parties with a copy, proved to be in every respect alike and correct; and to that copy I certified on the 4th of August, 1858. On the same day I was present at the office of the Ministry of Government and Police, when and where the Chief Clerk of said Ministry, Don Ygnacio Anieras, in the presence of the said parties produced from the archives of said office an expediente, which on being compared with a copy proved to be absolutely alike and correct in every respect. I certified to that copy on the 4th day of August, 1858. On the 30th of July, 1858, I was present at the office of the Escribano, or Notary Public, Don Juan Navarro, when and where said Navarro produced from the archives of his office a book, formed of sheets of stamped paper, stitched together and consisting (exclusive of the fly leaves in the beginning, and the index at the end,) of one hundred and twenty leaves, and titled '*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes.' In the presence of the same persons, certain original instruments, contained in said book, were examined, and being compared unto a copy found to be correct and similar, with the exception of two slight omissions; which were certified to by the said Notary on the same day. And to that copy I certified on the 4th of August, 1858.

These original documents were found in the several offices where they appropriately belonged, and were produced by the officers having the custody of them; and I saw nothing whatever to cause me to doubt their being genuine originals. I, as Minister, certified each of the copies herein before mentioned, and the facts set forth in those certificates are true, and the certificates are in accordance with the laws of Mexico.

The government of Mexico will not allow the great seal of Mexico to be attached to copies of such documents, nor will they allow the originals to be withdrawn. And the manner in which the copies herein mentioned have been authenticated is the only way in which such copies can be authenticated. The copies, so as above mentioned certified by me, are not now before me, but the printed volume hereto attached as a part of my deposition, and marked exhibit A, and purporting to contain printed copies of those copies, I believe to be correct."

JOHN FORSYTH.

—

And I, Richard B. Owen, the Commissioner as aforesaid, do hereby certify that the reason for taking the foregoing deposition, is that the said witness, John Forsyth, lives at a greater distance than one hundred miles from San Francisco, California, the place of trial of said cause; and that a notification of the time and place of taking the said deposition was made out by me, which I caused to be served by the Marshal of the United States for the Southern District of Alabama, upon A. J. Requier, Esq., the District Attorney of the United States for said district that he might attend and put interrogatories to the said witness, if he saw fit. And that the said United States District Attorney, though so notified, did not attend the examination of said witness. And I further certify that the said deposition was reduced to writing by me, and by said witness subscribed in my presence. I have retained the said deposition in my possession for the purpose of sealing, of directing, and forwarding it to the court for which it was taken. In testimony thereof I have hereunto set my hand and seal this 2d of May, 1859.

RICHARD B. OWEN, [L. S.]
U. S. Commissioner.

—

UNITED STATES OF AMERICA,
Northern District of Alabama.

I, Richard B. Owen, clerk of the Circuit Court of the United States for said District, certify that Richard B. Owen, whose name and genuine signature appear to the foregoing certificate was at the time of signing the same a Commissioner of bail and affidavit for said district, duly appointed by the said court, and that his acts as such are entitled to full faith and credit.

[L. S.] Witness my hand and the seal of said Circuit Court, this the 2d day of May, 1859.

R. B. OWEN, Clerk.

EXHIBIT "A" TO THE DEPOSITION OF HON. JOHN FORSYTH.

SECRETARIA DE LA JUNTA DE MINERIA. } 1846.

No. 168.

Don Andres Castillero solicita auxilios para el fomento de la mina de azogue que ha descubierto en la mision de Santa Clara, en la Alta California.

MESA DE FOMENTO AZOGUE:—

Exmo Señor:—Habiendo presentado el Señor Don Tomas Ramon del Moral á la Junta unas muestras de Cinabrio de la Mision de Santa Clara en Californias, que remite el Señor Don Andres Castillero con las adjuntas copias para excitar al Supremo Gobierno á fin de que se sirva auxiliar tan importante empresa, tiene el honor de pasar á V. E. dichas muestras con el objeto de que se haga el correspondiente ensayo del Cinabrio en el laboratorio de ese colegio sirviéndose participar á la Junta el resultado lo mas pronto posible.

La Junta tiene el honor de reiterar á V. E. con tal motivo las protestas de su consideracion y aprecio.

Dios, &c., Abril 21, 1846.

Exmo. Señor General Don José Maria Tornel, Director del Colegio Nacional de Mineria. }

SECRETARIA DE LA JUNTA DE FOMENTO DE MINERIA. }

El Señor Don Andres Castillero, comisionado por el Supremo Gobierno, el año próximo pasado, para pasar á Californias á desempeñar objeto del servicio publico, me dice en cartas escritas de la Mision de Santa Clara en diez y nueve, y veinte y dos de Febrero del presente año, lo que sigue:

"A distancia de cinco leguas de esta Mision al Oeste, he descubierto y denunciado una mina abundantisima de Azogue, y á confirmar mi verdad remito á V. S. unas piedras de las que se han tomado por encima de la veta: tambien va un poco de Azogue del que sacamos con la mayor facilidad. El Señor Director del Colegio de Mineria, Don Ramon del Moral, ha de recibir mucho gusto al ver igualadas las piedras de Almaden. Segun lo ancho de la veta y abundancia de saca de metales, dentro de un año mediante la proteccion del Gobierno Supremo,

no necesitará la República azogue de afuera. Remito á V. algunas frioleras hechas por los Indios del Norueste y producidas de aquí: el carbon de piedra es abundantisimo, y se encuentra en la costa de la Bahia de San Francisco, de modo que los buques de vapor, hechando sus embarcaciones menores, pueden cargar todo el que necesiten: este descubrimiento lo hizo el Señor Coronel Don Juan B. Alvarado: el cristal de roca es un cerro muy grande."

"Es copia. México, Abril trece, de mil ochocientos cuarenta y seis.

J. J. DE HERRERA."

Señor Director del Colegio de Mineria, Don Ramon del Moral:

MISION DE SANTA CLARA,
Febrero diez y nueve, de mil ochocientos cuarenta y seis.

Mi muy Estimado Amigo y Señor que Aprecio:—V. sabe lo aficionado que soy al ramo de mineria, y empeñado en encontrar una mina buena de Azogue; he dado aqui con un criadero abundantisimo; al Exmo. Señor Presidente remito junto con esta unas piedras de Cinabrio y un poco de Azogue: estamos formando un horno y hemos ensayado dicho metal en un cañon de escopeta, tapado el oido con barro y metido la boca en agua, asi nos ha dado el treinta por ciento.

Yo estimaria á V. que se tomase el trabajo, en obsequio del bien publico, que se ensayase este metal, por depender de su trabajo esta operacion.

Que V. y toda la familia se conserven buenos y que mande cuanto guste á su afectisimo S. S. Q. B. S. M.

ANDRES CASTILLERO.

DIRECCION DEL
COLEGIO NACIONAL DE MINERIA.

Recibido el dia 3 del presente Mayo. V. SEGURA.

El Señor Don Tomas Ramon del Moral, Presidente de la Junta de Fomento del Colegio Nacional de Mineria, en oficio de 24 del pasado me dijo lo que sigue:

Mayo 4, 1846. Que se inserte al Gobierno manifestando haber recibido la nota hasta ayer.

Exmo. Señor:—Habiendose enterado la Junta Facultiva de los documentos que V. E. le pasó el veinte y uno del presente mes relativos á un criadero de Cinabrios descubierto en California por el Señor Don Andres Castillero,

y á otro de carbon de piedra de la Bahia de San Francisco, tiene el honor de informar á V. E. que las muestras remitidas por dicho Señor Castillero estaban ya depositadas en el Gabinete de Mineralogia unas, y otras ensayadas por el profesor de Quimica, Don Manuel Herrera. El ensaye dió una ley de trienta y cinco y medio por ciento, tomando para hacerlo una mezcla de las diferentes muestras, porque hay algunas tan ricas que son de Cinabrio puro. La Junta cree que el Señor Castillero se ha hecho digno, por tan importante descubrimiento, de la eficaz proteccion del Supremo Gobierno y de la Junta de Fomento de Mineria, y está persuadida de que V. E. interpondrá todo su influjo á fin de que este individuo reciba una prueba de que el Supremo Gobierno sabe distinguir y premiar á los ciudadanos que contribuyen á la prosperidad de la Patria.

" Reproduzco á V. E. con este motivo, las consideraciones de mi estimacion y respeto. Y tengo el honor de traslardarlo á V. S. S. como resultado de su oficio relativo."

Dios y Libertad. México, Abril 29, de 1846.

JOSE MARIA TORNEL.

Señores Presidente y Vocales de la Junta de Fomento Administrativa del Colegio Nacional de Mineria.

Exmo. Señor:—Habiendo presentado á esta Junta el Señor Profesor Don Tomas Ramon del Moral unas muestras de Cinabrio de la Mision de Santa Clara en la Alta California que le remite Don Andres Castillero asi como las adjuntas copias con el objeto de excitar al Supremo Gobierno para que se sirva auxiliar tan importante empresa, inmediatamente remitió dichas muestras al Exmo. Señor Director del Colegio para que se hiciesen los debidos en sayes. S. E. con Oficio de 29 del pasado recibido ayer le dice lo que sigue:

" El Señor &c., hasta relativo."

La Junta al insertar á V. E. la anterior comunicacion tiene el honor de participarle que ha preguntado ya al Señor Castillero la clase de auxilios ó de proteccion de que necesita para el fomento de su brillante empresa felicitando al Supremo Gobierno por un descubrimiento que si encuentra en un principio toda la proteccion que se merece puede cambíar completamente el aspecto de nuestra mineria libertándola de la necesidad en que ha estado hasta ahora del Azogue estrangero.

La Junta con este motivo aprovecha la oportunidad de participar á V. E. que como el 24 del presente mes termina la gracia que concedió la ley de cinco pesos de premio á cada quintal

de Azogue estraido de las Minas Nacionales han acreditado hasta la fecha los Mineros de Guadalcazar haber esplotado 1575 quintales de Diciembre de 1844 á fin de Marzo proximo pasado cuyo resultado excede del calculo que hasta ahora se habia hecho de que la produccion de este mineral era de cien quintales mensuales.

La Junta reitera á V. E. con este motivo las protestas de su distinguida consideracion y aprecio.

Dios, &c. Mayo 5, 1846.

Exmo. Señor Ministro de Justicia.

No. 573.

Participa el descubrimiento de un criadero de Cinabrio hecho en el Presidio de Santa Clara en la Alta California, cuyos ensayes han producido una ley la mas alta que se ha visto y con este motivo communica el resultado de la Cantidad de Azogue esplotada hasta fines de Marzo en Guadalcazar.

MINISTERIO DE JUSTICIA E INSTRUCCION PUBLICA.

Exmo. Señor:—Por la nota de V. E. de cinco del actual y copias que se sirvió acompañar, queda enterado con satisfaccion el E. S. Presidente interino de la Republica, de que en la Mision de Santa Clara de la Baja California há descubierto el Señor Don Andres Castillero, un criadero de Cinabrio de excelente calidad, segun los ensayos practicados en ese Colegio, y de que se ha preguntado ya por esa Junta al referido Señor Castillero, la clase de auxilios que necesita para fomento de su brillante empresa. Asimismo se há impuesto S. E. de lo que participa esa Junta con respecto á la cantidad de azogue estraido de las minas de Guadalcazar, cuyo resultado ha excedido al cálculo que se habia formado.

Lo que tengo el honor de decir á V. E. en contestacion, reiterándole con este motivo las protestas de mi consideracion y aprecio.

Dios y Libertad. México, Mayo nueve, de mil ochocientos cuarenta y seis.

BECERRA.

E. S. Don Vicente Segura, Presidente de la Junta de Fomento de Mineria.

JUNTA DE FOMENTO Y ADMINISTRACION DE MINERIA.

No. 575.

Acompaña con recomendacion la solicitud del Señor Don Andres Castillero para el Fomento de la Mina de Azogue que ha descubierto en la Mision de Santa Clara en la Alta California.

Exmo. Senor:—Como tuvo el honor esta Junta de anunciar á V. E. en cinco del corriente, bajo el numero quinientos setenta y tres, el Señor Don Andres Castillero le ha dirigido la solicitud, que original tiene el gusto de acompañar á V. E.; sobre auxilios que necesita para el nuevo descubrimiento de la mina de azogue en la Mision de Santa Clara del Departamento de Californias. La Junta no duda recomendar á V. E. dicha solicitud, porque persuadida de la grande importancia de la empresa, la considera acreedora á toda la proteccion del Supremo Gobierno, cuando por otra parte las circunstancias particulares de aquel Departamento, y el justo empeño que ha manifestado el Exmo. Señor Presidente para conservar la integridad del territorio nacional, lo hacen digno de la mayor consideracion. Por consiguiente, la Junta es de parecer que se le facilite inmediatamente al Señor Castillero la cantidad de cinco mil pesos en los terminos que propone: que la autorize para franquear las retortas y frascos de fierro de su pertenencia y los otros mil pesos que podran emplearse en la construccion de retortas, cilindros y otros aparatos pequeños de destilacion, para dicha mina.

Aunque la ley que autoriza á la Junta para hacer préstamos en fomento de los criaderos de azogue, exige el premio de un cinco por ciento anual al capital que se preste, es indudable que la oferta del Señor Castillero de pagar los cinco mil pesos con cincuenta quintales de azogue puestos en Mazatlan á disposicion de la Junta, á razon de cien pesos cada uno, y en el término de seis meses, presta sin duda mucho mayores ventajas al fondo que el indicado interés.

La urgencia que manifiesta el Señor Castillero para verificar su marcha á aquel Departamento y lo que ella pueda contribuir, en las circunstancias presentes, para la conservacion del territorio nacional, es en concepto de la Junta, mas que suficiente motivo para dejar á época mas oportuna la formacion de un contrato de compañia ó de avio para el fomento de dicha mina.

Resta pues manifestar á V. E. que aunque la posesion dada al Señor Castillero por las autoridades locales de Californias, no ha sido conforme á la ordenanza, pues que se le han concedido pertenencias en la estension de tres mil varas que equivalen á quince pertenencias conforme al articulo segundo del titulo octavo, es preciso considerar que reune en su favor la

calidad de descubridor de *un cerro absolutamente nuevo en que no habia ninguna mina abierta*, á quienes se conceden, en el articulo primero del titulo sesto, *tres pertenencias continuas ó interrumpidas, y si hubiesen descubierto mas vetas, una en cada una de ellas.* Reune tambien la circunstancia de trabajar en compañia á las que se concede que sin perjuicio del derecho que por el titulo de descubridor tengan cuando lo sean, el que puedan denunciar cuatro pertenencias nuevas aun cuando esten contiguas y por un mismo rumbo; pero lo mas digno de consideracion es, que siendo Californias un Departamento Fronterizo y amagado con frecuencia por los emigrados de los Estados Unidos del Norte, y por los nuevos colonos del Oregon, parece conveniente conceder á la primera mina descubierta en un Departamento tan vasto, mayor numero de pertenencias, lo que corrobora la razon que se encuentra al fin del articulo 1°. del titulo octavo que dice: "Considerando que los limites establecidos en las minas de estos Reynos á que se han arreglado hasta ahora los de Nueva España, son muy estrechos a proporcion de la multitud, abundancia, y felicidad de las venas metálicas á la suma bondad del criador ha querido conceder á aquellas regiones, ordeno y mando que en las minas que en adelante se descubrieren en veta nueva ó sin vecinos, se observen estas medidas. 2°. Por el hilo, direccion ó rumbo de la veta, sea de oro, de plata, ó de cualquiera otro metal, concedo a todo minero sin distincion de los descubridores (que ya tienen asignado su premio,) doscientas varas castellanas que llaman de medir, tiradas a nivel." Por ultimo, en el artículo primero titulo once se espresa en estos terminos. "Y porque no siendo suficiente el caudal de uno solo para grandes empresas, puede serlo el de todos los compañeros quiero y mando se procuren, promuevan, y protejan semejantes compañias por todos los terminos convenientes, concediendo mi virey á los que las formaren todas las gracias, auxilios, exenciones que fueren de conceder a juicio y discrecion del Real Tribunal de Mineria y sin detrimento del interes del público y de mi real erario."

En cuanto á la propiedad que solicita el Señor Castillero como colono, de dos sitios de ganado mayor sobre la superficie de su propiedad minera, con el objeto de proporcionarse la leña necesaria para el beneficio, la junta no teniendo los conocimientos necesarios en la materia, en que abunda el Supremo Gobierno, siempre resolverá el Exmo. Señor Presidente lo que creyere mas conveniente. En tal concepto, al elevar á V. E. esta junta la solicitud del Señor Castillero, no duda recomendarla muy eficazmente por la importancia vital de la empresa, y su increible trascendencia en el bien general y la prosperidad de la republica. La junta tiene el honor, con tal motivo, de

reiterar á V. E. las protestas de su distinguido aprecio y consideracion.

Dios y Libertad, México, catorce de Mayo de mil ocho cientos cuarenta y seis.

Exmo. Señor Ministro de Justicia
é Ynstruccion Publica.

Andres Castillero, vecino y minero en el Departamento de la Alta California ante V. E. y V. S. S. como mejor proceda, digo; que habiendo descubierto en la Mision de Santa Clara una mina de Azogue de leyes tan altas como seguramente no se han visto, no solo en la Republica sino acaso en el mundo entero, como lo acreditan los ensayes hechos de orden de la junta facultativa del Colegio de Mineria, que reuniendo de todas las muestras que traje, desde la mejor hasta la ínfima, han dado por resultado un treinta y cinco y medio por ciento, mientras que ha habido muestra de las superiores que deben producir leyes mucho mayores; me veo en el caso, para satisfacer mis deseos en favor del progreso de mi patria, de aprovechar esclusivamente en favor de los Méxicanos, las lisonjeras y muy fundadas esperanzas que proporciona semejanta descubrimiento. En tal virtud, he denunciado y tomado posesion no solo de dicha mina denominada Santa Clara, sino de una estension hasta de tres mil varas en todas direcciones de dicho punto, he formado una compañia para su laboreo, he construido el tiro y cumplido todas las condiciones que previene la ordenanza, quedando la mina en frutos, con la notable circunstancia de que las muestras que traje y que se han ensayado, han sido estraidas de la boca.

Muy facil me habria sido haber dado todo el vuelo necesario á la negociacion, admitiendo las repetidas y ventajosas ofertas que se me han hecho por varias casas estranjeras de Californias, pero la empresa no necesita de semejantes auxilios que resultarian en ventaja estraña, cuando todo puede ser nacional, y no he dudado por lo mismo ocurrir ante V. E. y V. S. S. para conseguir los únicos y pequeños recursos de que necesito: elle se reducen á una corta anticipacion de cinco mil pesos en dinero, atendida la escesiva escasez de numerario que hay en aquel Departamento, y á la pronta remision á el de retortas, cilindros, y otros aparatos pequeños de destilacion, asi como de frascos de fierro para el envase del azogue.

Yo habria propuesto un contrato de compañia á la junta un avio, ó cualquiera otro convenio, si tuviese tiempo para poder proporcionar los datos y circunstancias que se requieren para

dichos contratos; pero comprometido por el Supremo Gobierno á marchar de esta capital dentro de algunos dias, me veo en el caso de limitarme á lo que parece no presenta dificultad, y abre el campo á nuevos convenios posteriores. Estoy bien persuadido de que la Junta accederá á mi solicitud en todo aquello que esté en sus facultades, y que elevará al Supremo Gobierno con recomendacion lo que sea del resorte de este.

Mis proposiciones pues son las siguientes:

Primera.—La Junta, en el acto de aprobar el convenio, me entregará una libranza contra una casa de comercio en Mazatlan valiosa cinco mil pesos.

Segunda.—Por mí parte me comprometo á situar en dicho puerto á los seis meses de haber salido de el, cincuenta quintales de azogue, a razon de cien pesos cada uno, que remitiré de las primeras estracciones con absoluta preferencia á todo otro compromiso.

Tercera.—La Junta mandará poner á mi disposicion antes de mi salida de la capital, las ocho retortas de fierro que tiene en su oficina y todos los frascos para azogue que se hallan en la negociacion de Tasco, en estado de uso, y por último entregará al Señor Don Tomas Ramon del Moral, mi apoderado, las cantidades que importen las retortas, cilindros, y otra clase de aparatos pequeños que se mande hacer para la negociacion, hasta la cantidad de mil pesos.

Cuarta.—Las retortas de la Junta las recibiré por el precio de su costo, y los frascos que escoja, á dos pesos cada uno conforme á su avaluo.

Quinta.—El importe liquido de dichas retortas y frascos y él de las cantidades que se hayen entregado al Señor Moral lo devolveré en el término de un año de este convenio, asi como el premio de la libranza contra Mazatlan, en azogue puesto en dicho puerto al precio de cien pesos quintal: pero si la Junta quiere tomar una ó mas acciones en la mina, quedan en parte de la cantidad correspondiente á una ó mas barras.

Sexta.—Entretanto que se arregla la compañia, durante un año contado desde la fecha en que se apruebe este convenio, y satisfechos ya los cinco mil pesos de que habla la proposicion primera, preferiré á la Junta en la venta de azogue puesto en Mazatlan, á razon de cien pesos quintal.

Septima.—La Junta representará al Supremo Gobierno la necesidad de que apruebe la posesion que se me ha dado de la mina por las autoridades locales de Californias, en los mismos terminos en que hoy la tengo.

Octava.—Ygualmente le representará las las ventajas de que como colono se me conceda dos sitios de ganado mayor sobre el

terreno de mi posesion minera, con el objeto de poderme aprovechar de las maderas, para mis quemas.

Novena.—Al cumplimiento de este contrato hipoteco la misma mina y todas sus pertenencias.

El que subscribe sugeta á la deliberacion de la Junta esta solicitud, la que aceptada se podrá elevar á contrato formal y legalizar del modo mas conveniente.

Dios, &c., doce de Mayo de mil ochocientos cuarenta y seis.

ANDRES CASTILLERO.

Es copia. México, Mayo 12, de 1846.

YSIDRO R. GONDRA.

MINISTERIO DE JUSTICIA, E YNSTRUCCION PUBLICA.

Exmo. Señor:—Habiendo dado cuenta al Exmo. Señor Presidente interino con la nota de V. E. de catorce del presente, á que se sirvió acompañar con recomendacion la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la Mision de Santa Clara en la Alta California; se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo, para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Esteriores y Gobernacion, para que libre las órdenes oportunas por lo respectivo á lo que contiene la octava proposicion relativa á la concesion de terrenos en aquel Departamento.

Reitero á V. E. las consideraciones de mi aprecio.

Dios y Libertad, México, Mayo veinte, de mil ochocientos cuarenta y seis.

BECERRA.

Exmo. Señor Don Vicente Segura, Presidente de la Junta de Fomento de Mineria.

SECRETARIA DE LA ADMINISTRACION DEL FONDO DE MINERIA.

[Sello.] Yo, Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta Capital y encargado del Archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852. Certifico que las precedentes veinte y cuatro paginas numeradas por mi del uno al veinte y cuatro inclusive de papel transparente son una verdadera y ex-

acta copia ó calco de un Espediente que existe y forma parte de los archivos de esta Oficina titulado "Secretaria de la Junta de Mineria.—1846.—Numero 168.—Don Andres Castillero solicita auxilios para el fomento de la Mina de Azogue que ha descubierto en la Mision de Santa Clara en la Alta California.—Mesa de Fomento Azogue."

En testimonio de lo cual doy el presente bajo mi firma, hoy 24 de Mayo, de 1858.

MANUEL COUTO, Secretario.

Yo, Vicente Segura, Administrador del Fondo de Mineria, certifica que Don Manuel Couto, cuyo nombre aparece en el precedente certificado es Secretario de esta Administracion y encargado del Archivo de la misma Oficina de Mineria, á cuyo Archivo pertenece el espediente referido, que dicho Couto ejerce el empleo de Secretario en la fecha de su certificado, que su firma es verdadera y que merece toda fe y crédido.

En testimonio de lo cual doy el presente bajo mi firma y sello de esta Oficina en la ciudad de México á 24 de Mayo de 1858.

VICENTE SEGURA.

[Sello.] El que subscribe Oficial Mayor en el Ministerio de Fomento Colonizacion Yndustria y Comercio certífica que Don Vicente Segura y Don Manuel Couto, son Administrador el primero y el segundo Secretario de la misma Administracion del Fondo de Mineria perteneciente al Colegio Nacional de Minas, que se halla bajo la inspeccion de este Ministerio. Atesta igualmente que los Archivos de aquel Colegio están al cargo del Secretario, y por ultima que las firmas constántes al fin de los dos certificados anteriores son las que aquellos Señores usan asi como el sello puesto en sus atestados es el verdadero de la oficina en que se hallan empleados.

Para testimonio de lo espuesto doy el presente firmado por mi y sellado con el sello del Ministerio en México á (30 de Abril) de mil ochocientos cincuenta y ocho. Lease 24 de Mayo.

P. ALMAZAN. [Sello.]

J. Miguel Arroyo, Yntendente honorario de Ejercito y oficial Mayor primero del Ministerio de Relaciones Esteriores de la Republica Méxicana.

No. 72.

[Sello.] Certifico que Don Pascual Almazan es actualmente oficial Mayor del Ministerio de Fomento, Colonizacion Yndustria y Comercio en la propia Republica y la anterior firma es la suya que usa en los documentos que autoriza.

México, Mayo 26, de 1858.

[Derechos 4 pesos.]

[Sello.] J. MIGUEL ARROYO.

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 27, 1858.

The undersigned, Minister of the United States of America, for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have hereunto set my hand, and affixed the seal of this Legation, the day and year above-mentioned.

[L. S.] JOHN FORSYTH.

I, John Forsyth, Minister of the United States for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July past, I was present at the office of the Junta de Mineria, when and where there was produced from the archives of said office, an "expediente," with which, on being carefully compared by John P. Brodie and the Licentiate Emilio Pardo, the foregoing copy proved to be absolutely alike, and correct in every respect, and without any difference whatever. The

undersigned, in like manner, certifies that Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, who also assisted at said comparison, after a close examination of said expediente, acknowledged, in the presence of the undersigned, that the communication of the Minister of Justice, dated 20th May, 1846, which appears in the same, is in his own proper handwriting, and was written by him on the day it bears date.

MEXICO, 4th August, 1858. JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul, at Mexico, do hereby certify, that on the forenoon of the thirtieth day of July now last past, I was present at the office of the "Junta de Mineria," in this city, when and where there was produced from the archives of said office an "expediente" with which, on being carefully examined by John P. Brodie and the Licentiate Emilio Pardo, the foregoing copy was found and proved to be absolutely alike, and correct in every respect, and without any difference whatever; and I do further certify, that Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, who also assisted at said comparison, after a close examination of said "expediente," declared in my presence that the communication of the Ministry of Justice, dated 2d May, 1846, which appears in the same, is in his own proper handwriting, and was written by him on the day of the date thereof.

In testimony thereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight, having put my pen through "d" in the fifth line of this attestation before affixing my signature hereunto.

[L. S.] F. GLENNIE,
H. B. M. Consul.

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

Abril 23, 1846.

Pasa de preferencia á la Junta facultativa del colegio.

TORNEL.

Exmo. Señor:—Habiendo presentado el Señor Don Tomas Ramon del Moral á la Junta unas muestras de cinabrio de la Mision de Santa Clara en Californias que remite el Señor Don Andres Castillero con las adjuntas copias para excitar al Gobierno Supremo á

fin de que se sirva auxiliar tan importante empresa, tiene el honor de pasar á V. E. dichas muestras con el objeto de que se haga el correspondiente ensayo del cinabrio en el laboratorio de ese colegio, sirviéndose participar á la Junta el resultado lo mas pronto posible.

La Junta tiene el honor de reiterar á V. E. con tal motivo las protestas de su consideracion y aprecio.

Dios y Libertad. México, Abril 21, de 1846.

VICENTE SEGURA, Presidente.

Por ocupacion del Secretario.

YSIDRO R. GONDRA, Oficial Primero.

Exmo. Señor General Don José M. Tornel,
Director del Colegio Nacional de Mineria.

SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

El Señor Don Andres Castillero, comisionado por el Supremo Gobierno el año próximo pasado para pasar á Californias á desempeñar objeto del servicio publico, me dice en cartas escritas en la Mision de Santa Clara, en 19 y 22 de Febrero del presente año lo que sigue:

"A distancia de 5 leguas de esta Mision al Oeste, he descubierto y denunciado una mina abundantisima de azogue, y á confirmar mi verdad remito á V. S. unas piedras de las que se han tomado por encima de la veta, tambien vá un poco de azogue del que sacamos con la mayor facilidad, el Señor Director del Colegio de Mineria, D. Ramon del Moral, ha de recibir mucho gusto al ver igualadas las piedras de Almaden; segun lo ancho de la veta y abundancia se saca de metales dentro de un año mediante la proteccion del Gobierno Supremo no necesitará la Republica azogue de afuera."

Remito á V. algunas frioleras hechas por los Yndios del Norueste y producidas de aquí, el carbon de piedra es abundantisimo y se encuentra en la costa de la Bahia de San Francisco, de modo que los buques de vapor hechando sus embarcaciones menores, pueden cargar todo el que necesiten; este descubrimiento lo hizo el Señor Coronel Don Juan B. Alvarado; el cristal de roca es un cerro muy grande."

Es copia. México, Abril 13, de 846.

J. J. DE HERRERA.

Es copia. México, Abril 21, de 846.

YSIDRO R. GONDRA, Oficial Primero.

SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

Señor Director del Colegio de Mineria, Don Ramon del Moral:

MISION DE SANTA CLARA,
Febrero 19, de 846.

Mi muy Estimado Amigo y Señor que Aprecio:—V. sabe lo aficionado que soy al ramo de mineria, y empeñado en encontrar una mina buena de azogue he dado aqui con un criadero abundantisimo; al E. S. Presidente remito junto con esta unas piedras de cinabrio y un poco de azogue; estamos formando un horno y hemos ensayado dicho metal en un cañon de escopeta tapado el oido con barro y metido la boca en agua, asi nos ha dado el 30 por ciento.

Yo estimare á V. que se tomase la molestia en obsequio del bien público que se ensayase este metal, por depender de su trabajo esta operacion.

Que V. y toda la familia se conserven buenos y que mande cuanto guste á su afectisimo. S. S. q B. S. M.

ANDRES CASTILLERO.

Es copia. México, Abril 21, de 1846.

YSIDRO GONDRA, Oficial Primero.

Joaquin Velazquez de Leon, Director del Colegio Nacional de Mineria de esta Capital.

Certifico que en los archivos de este colegio actualmente bajo mi cargo y custodia ecsiste una comunicacion original del Señor Don Vicente Segura, Presidente de la Junta de Fomento y Administrativa de Mineria y las copias de dos cartas que acompaña referentes al descubrimiento de una mina de azogue en California por Don Andres Castillero. Certifico ademas que las precedentes y anecsas seis paginas numeradas por mi con tinta encarnada del numera 1 al 6 inclusive, son una verdadera y esacta copia ó calco de dichos documentos que existen y constituyen parte de los archivos de esta oficina de mi cargo.

En testimonio de lo cual doy el presente bajo mi firma sin el sello de oficio por no tenerlo esta oficina.

México, Mayo 24 de 1858.

JOAQUIN VELAZQUEZ DE LEON.

El que suscribe, Oficial Mayor del Ministerio de
[Sello.] Fomento, Colonizacion, Yndustria y Comercio de la Republica Méxicana.

Certifico que Don Joaquin Velazquez de Leon, es Director del Colegio Nacional de Mineria que se halla bajo la inspeccion de este Ministerio. Atesto igualmente, que los archivos del colegio estan en la actualidad al cargo de dicho Director, que la firma de D. Joaquin Velazquez de Leon, es la suya verdadera.=Para testimonio de lo expuesto, doy el presente firmado por mi y sellado con el sello de este Ministerio hoy veinticinco de Mayo de mil ochocientos cincuenta y ocho.

P. ALMAZAN. [Sello.]

José Miguel Arroyo, Yntendente honorario de Ejercito y Oficial Mayor Primero del Ministerio de Relaciones esteriores de la Republica Méxicana.

No. 71.

Certifico que Don Pascual Almazan es actual-
[Sello.] mente Oficial Mayor del Ministerio de Fomento, Colonizacion, Yndustria y Comercio en la propia Republica, y la anterior firma es la suya que usa en los documentos que autoriza.

México, Mayo 26 de 1858.

[Sello.] J. MIGUEL ARROYO.

[Derechos, 4 pesos.]

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 27th, 1858.

The undersigned, Minister for the United States of America for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized, by law, to certify to documents to be used in foreign countries, and that the seal at-

tached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have herewith set my
[L. S.] hand, and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

I, John Forsyth, Minister of the United States of America for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July last, I was present at the College of Mines (Colegio de Mineria) where Don Joaquin Valazquez de Leon, principal or director of said College, produced an expediente, with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisting at said comparison, Frederick Glennie, Esq., H. B. M.'s Consul, the aforesaid Don Francisco Valazquez de Leon, and the undersigned, the foregoing copy of said expediente proved to be exact and correct in every respect.

MEXICO, 4th August, 1858.

JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the forenoon of the thirtieth day of last July, I was present at the College of Mines in this City, (Coleigo de Mineria) where Don Joaquin Valazquez de Leon, director of said College, produced an "expediente," with which, on being carefully examined and compared by John P. Brodie and the Licentiate Emilio Pardo, in the presence of John Forsyth, Esq., Minister of the United States of America, (who assisted at said comparison,) the aforesaid Don Francisco Valazquez de Leon, and the undersigned, the foregoing copy of said "expediente," proved to be exact and true in every respect.

In testimony thereof, I have hereunto set my
[L. S.] hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE.
H. B. M. Consul.

MINISTERIO DE JUSTICIA E YNSTRUCCION PUBLICA.

AÑO DE 1846.

La Junta de Fomento de Mineria participa que Don Andres Castillero ha descubierto en la Mision de Santa Clara, de la Alta California, un criadero de Cinabrio, de excelente calidad y acompaña la representacion de este Señor en que pide avio para la explotacion de dicha Mina.

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

N. 573.

Participa el descubrimiento de un criadero de Cinabrio hecho en el presidio de Santa Clara de la Baja California, cuyos ensayes han producido una ley la mas alta que se ha visto y con este motivo comunica el resultado de la cantidad de Azogue esplotada hasta fines de Marzo en Guadalcazar.

Mayo, 9, 1846.

Enterado con satisfacion del descubrimiento y de que se ha preguntado ya al Señor Castillero la clase de auxilios que necesita.

Enterado además de la noticia que da del Azogue estraido por los Mineros de Guadalcazar.

Fecha.

Exmo. Señor:—Habiendo presentado á esta Junta el Señor Profesor Don Tomas Ramon del Moral, unas muestras de Cinabrio de la Mision de Santa Clara en la Baja California, que le remite Don Andres Castillero asi como las adjuntas copias con el objeto de excitar al Supremo Gobierno para que se sirva auxiliar tan importante empresa, inmediatamente remitió dichas muestras al E. S. Director del Colegio para que se hiciesen los debidos ensayes, S. E. con oficio de 29 del pasado recibido ayer le dice lo que sigue:

"El Señor Don Tomas Ramon del Moral, Presidente de la Junta, facultativa del Colegio Nacional de Mineria, en oficio de 24 del pasado me dice lo que sigue:

"E. S. Habiéndose enterado la Junta, facultativa de los documentos que V. E., le pasó el 21 del presente mes relativos á un criadero de Cinabrio descubierto en Californias por el Señor Don Andres Castillero y á otro de carbon de piedra de la Bahia de San Francisco, tiene el honor de informar á V. E., que las muestras remitidas por dicho Señor Castillero estaban ya depositadas en el Gabinete de Mineralogia unas, y otras ensayadas por el Profesor de Quimica, Don Manuel Herrera. El ensaye dió una ley de 35½ por ciento, tomando para hacerlo una mezcla de las diferentes muestras, porque hay algunas tan ricas que son de cinabrio puro. La Junta cree que el Señor Castillero se ha hecho digno por tan importante descubrimiento de la eficaz proteccion del Supremo Gobierno y de la Junta de Fomento de Mineria; y está persuadida de que V. E. interpondrá todo su influjo á fin de que

este individuo reciba una prueba de que el Supremo Gobierno sabe distínguir y premiar á los ciudadanos que contribuyen á la prosperidad de la Patria.=Reproduzco á V. E. con este motivo, las consideraciones de mi estimacion y respeto.

"Y tengo el honor de trasladarlo á V. S. S. como resultado de su oficio relativo."

La Junta al insertar á V. E. la anterior comunicacion tiene el honor de participarle que ha preguntado ya al Señor Castillero la clase de auxilios ó de proteccion de que necesita para el fomento de su brillante empresa felicitando al Supremo Gobierno por un descubrimiento que si encuentra en un principio toda la proteccion que se merece puede cambiar completamente el aspecto de nuestra mineria libertándola de la necesidad en que ha estado hasta ahora del azogue estrangero.

La Junta con este motivo aprovecha la oportunidad participar á V. E. que como el 24 del presente mes termina la gracia que concedió la ley de cinco pesos de premio á cada quintal de azogue estraido de las Minas Nacionales han acreditado hasta la fecha los Mineros de Guadalcazar haber esplotado 1575 quintales de Diciembre de 1844 á fin de Marzo proximo pasado cuyo resultado excede del cálculo que hasta ahora se habia hecho de que la produccion de este mineral era de cien quintales mensuales.

La Junta reitera á V. E. con este motivo las protestas de su distinguida consideracion y aprecio.

Dios y Libertad. México, Mayo 5, de 1846.

VICENTE SEGURA, Presidente.

Por ocupacion del Secretario.

YSIDRO R. GONDRA, Oficial Primero.

Exmo. Señor Ministro de Justicia.

SECRETARIA DE LA JUNTA DE FOMENTO ADMINISTRATIVA DE MINERIA.

El Señor Don Andres Castillero, comisionado por el Supremo Gobierno, el año próximo pasado, para pasar á Californias á desempeñar objeto del servicio público, me dice en cartas escritas de la Mision de Santa Clara, en 19 y 22 Febrero del presente año, lo que sigue:

"A distancia de cinco leguas de esta Mision al Oeste, he descubierto y denunciado una mina abundantisima de azogue, y á confirmar mi verdad remito á V. S. unas piedras de las que se han tomado por encima de la veta. Tambien va un poco de azogue del que sacamos con la mayor facilidad. El Señor

Director del Colegio de Mineria, Don Ramon del Moral, ha de recibir mucho gusto al ver igualadas las piedras de Almaden. Segun lo ancho de la veta y abundancia de saca de metales, dentro de un año mediante la proteccion del Gobierno Supremo, no necesitará la República azogue de afuera."

Remito á V. algunas frioleras hechas por los Yndios del Norueste, y producidas de aqui; el carbon de piedra es abundantisimo y se encuentra en la costa de la Bahia de San Francisco, de modo que los buques de vapor hechando sus embarcaciones menores pueden cargar todo el que necesitén; este descubrimiento lo hizo el Señor Coronel Don Juan B. Alvarado, el cristal de roca es un cerro muy grande.

Es copia. México, Abril 13, de 1846.

J. J. DE HERRERA.

Señor Director del Colegio de Mineria, Don Ramon del Moral.—Mision de Santa Clara, Febrero 19 de 846.—Mi estimado amigo y Señor que aprecio.—V. sabe lo aficionado que soy al ramo de Mineria y empeñado en encontrar una mina buena de azogue, he dado aqui con un criadero abundantisimo. Al E. S. Presidente remito Junta con esta unas piedras de cinabrio y un poco de azogue, estamos formando un horno y hemos ensayado dicho metal en un cañon de escopeta tapado el oido con barro y metido la boca en agua asi nos ha dado el 30 por ciento. Yo estimária á V. que se tomase el trabajo en obsequio del bien publico que se ensayase este metal por depender de su trabajo esta operacion. Que V. y toda la familia se conserven buenos y que mande cuanto guste á su afectesimo S. S. Q. B. S. M.

ANDRES CASTILLERO.

Son copias. México, Mayo 5, de 1846.

YSIDRO R. GONDRA, Oficial Primero.

Exmo. Señor:—Por la nota de V. E. de cinco del actual y copias que se sirvió acompañar, queda enterado con satisfaccion el E. S. Presidente interino de la Republica, de que en la Mision de Santa Clara de la Baja California ha descubierto el Señór Don Andres Castillero, un criadero de cinabrio de excelente calidad, segun los ensayos practicados en ese Colegio, y de que se ha preguntado ya por esa Junta al referido Señor Castillero, la clase de ausilios que necesita para fomento de su brillante empresa. Asi mismo se há impuesto S. E. de lo que

participa esa Junta con respecto á la cantidad de azogue estraida de las minas de Guadalcazar cuyo resultado ha excedido al cálculo que se habia formado. Lo que tengo el honor de decir á V. E. en contestacion, reiterándole con este motivo las protestas de mi consideracion y aprecio.

Dios, &c. México, Mayo 9, de 1846.

Exmo. Señor. Don Vicente Segura,
Presidente de la Junta de Fomento de Mineria.

JUNTA DE FOMENTO Y ADMINISTRACION DE MINERIA.

No. 575.

Acompaña con recomendacion la solicitud del Señor Don Andres Castillero para el Fomento de la Mina de Azogue que ha descubierto en la Mision de Santa Clara en la Alta California.

Mayo 20, 46.

Se concede en los términos que se propone, y por lo tocante al terreno, librese al ordén correspondiente al Ministerio de Relaciones para las providencias de su resorte, en el concepto de que el Gobierno Supremo esta anuente á la solicitud.

Exmo. Señor:—Como tuvo el honor esta Junta de anunciar á V. E. en cinco del corriente, bajo el numero quinientos setenta y tres, el Señor Don Andres Castillero le ha dirigido la solicitud, que original tiene el gusto de acompañar á V. E.; sobre auxilios que necesita para el nuevo descubrimiento de la mina de azogue en la Mision de Santa Clara del Departamento de Californias. La Junta no duda recomendar á V. E. dicha solicitud, porque persuadida de la grande importancia de la empresa, la considera acreedora á toda la proteccion del Supremo Gobierno, cuando por otra parte las circunstancias particulares de aquel Departamento, y el justo empeño que ha manifestado el Exmo. Señor Presidente por conservar la integridad del territorio nacional, lo hacen digno de la mayor consideracion. Por consiguiente, la Junta es de parecer que se le facilite inmediatamente al Señor Castillero la cantidad de cinco mil pesos en los términos que propone: que la autorice para franquear las retortas y frascos de fierro de su pertenencia y los otros mil pesos que podrán emplearse en la construccion de retortas, cilindros y otros aparatos pequeños de destilacion, para dicha mina.

Aunque la ley que autoriza á la Junta para hacer préstamos en fomento de los criaderos de azogue, exige el premio de un cinco por ciento anual al capital que se preste, es indudable que la oferta del Señor Castillero de pagar los cinco mil pesos con cincuenta quintales de azogue puestos en Mazatlan á disposicion de la Junta, á razon de cien pesos cada uno, y en el tér-

mino de seis meses, presta sin duda mayores ventajas al fondo que el indicado interés.

La urgencia que manifiesta el Señor Castillero para verificar su marcha á aquel Departamento y lo que á ella puede contribuir, en las circunstancias presentes, para la conservacion del territorio nacional, es en concepto de la Junta, mas que suficiente motivo para dejar á época mas oportuna la formacion de un contrato de compañia ó de avio para el fomento de dicha mina.

Resta pues manifestar á V. E. que aunque la posesion dada al Señor Castillero por las autoridades locales de Californias, no ha sido conforme á la ordenanza, pues que se le han concedido pertenencias en la estension de tres mil varas que equivalen á quince pertenencias conforme al articulo segundo del titulo octavo, es preciso considerar que reune en su favor la calidad de descubridor de *un cerro absolutamente nuevo en que no habia ninguna mina abierta*, á quienes se conceden, en el articulo primero del titulo sesto, *tres pertenencias continuas ó interrumpidas, y si hubiesen descubierto mas vetas, una en cada una de ellas.* Reune tambien la circunstancia de trabajar en compañia, á las que se concede que sin perjuicio del derecho que por el titulo de descubridor tengan cuando lo sean, el que puedan denunciar cuatro pertenencias nuevas aun cuando estén contiguas y por un mismo rumbo; pero lo mas digno de consideracion es, que siendo Californias un Departamento Fronterizo y amagado con frecuencia por los emigrados de los Estados Unidos del Norte, y por los nuevos colonos del Oregon, parece conveniente conceder á la primera mina descubierta en un Departamento tan vasto, mayor numero de pertenencias, lo que corrobora la razon que se encuentra al fin del articulo 1°. del titulo octavo que dice: "Considerando que los limites establecidos en las minas de estos Reynos que se han arreglado hasta ahora los de Nueva España, son muy estrechos a proporcion de la multitud, abundancia, y felicidad de las venas metálicas que la suma bondad eld criador ha querido conceder á aquellas regiones, ordeno y mando que en las minas que en adelante se descubrieren en veta nueva ó sin vecinos, se observen estas medidas. 2°. Por el hilo, direccion ó rumbo de la veta, sea de oro, de plata, ó de cualquiera otro metal, concedo a todo minero sin distincion de los descubridores (que ya tienen asignado su premio,) doscientas varas castellanas que llaman de medir, tiradas a nivel." Por último, en el articulo primero titulo once se espresa en estos terminos. "Y porque no siendo suficiente el caudal de uno solo para grandes empresas, puede serlo el de todos los compañeros quiero y mando se procuren, promuevan, y protejan semejantes compañias por todos los términos convenientes, concediendo mi virey á los que las formaren todas las gracias, auxilios, exen-

ciones que fueren de conceder a juicio y discrecion del Real Tribunal de Mineria y sin detrimento del interes del publico y de mi real erario."

En cuanto á la propiedad que solicita el Señor Castillero como colono, de dos sitios de ganado mayor sobre la superficie de su propiedad minera, con el objeto de proporcionarse la leña necesaria para el beneficio, la junta no teniendo los conocimientos necesarios en la materia, en que abunda el Supremo Gobierno, siempre resolverá el Exmo. Señor Presidente lo que creyere mas conveniente. En tal concepto, al elevar á V. E. esta junta la solicitud del Señor Castillero, no duda recomendarla muy eficazmente por la importancia vital de la empresa, y su increible trascendencia en el bien general y la prosperidad de la republica. La junta tiene el honor, con tal motivo, de reiterar á V. E. las protestas de su aprecio y consideracion.

Dios y Libertad. México, catorce de Mayo de mil ocho cientos cuarenta y seis.

Exmo. Señor Ministro de Justicia
é Ynstruccion Publica.

Sello tercero.—Cuatro reales.—Años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete.

Andres Castillero, vecino y minero en el Departamento de la Alta California ante V. E. y V. S. S. como mejor proceda, digo; que habiendo descubierto en la Mision de Santa Clara una mina de Azogue de leyes tan altas como seguramente no se han visto, no solo en la República sino acaso en el mundo entero, como lo acreditan los ensayos hechos de orden de la junta facultativa del Colegio de Mineria, que reuniendo de todas las muestras que traje, desde la mejor hasta la ínfima, han dado por resultado un treinta y cinco y medio por ciento, mientras que ha habido muestra de las superiores que deben producir leyes mucho mayores; me veo en el caso, para satisfacer mis deseos en favor del progreso de mi patria, de aprovechar esclusivamente en favor de los Mexicanos, las lisonjeras y muy fundadas esperanzas que proporciona semejante descubrimiento. En tal virtud, he denunciado y tomado posesion no solo de dicha mina denominada Santa Clara, sino de una estension hasta de tres mil varas en todas direcciones de dicho punto, he formado una compañia para su laboreo, he construido el tiro y cumplido todas las condiciones que previene la ordenanza, quedando la mina en frutos, con la notable circunstancia de que las muestras que traje y que se han ensayado, han sido estraidas de la boca.

Muy facil me habria sido haber dado todo el vuelo necesario á la negociacion, admitiendo las repetidas y ventajosas ofertas que se me han hecho por varias casas estranjeras de Californias, pero la empresa no necesita de semejantes auxilios que resultarian en ventaja estraña, cuando todo puede ser nacional, y no he dudado por lo mismo ocurrir ante V. E. y V. S. S. para conseguir los únicos y pequeños recursos de que necesito: elle se reducen á una corta anticipacion de cinco mil pesos en dinero, atendida la escesiva escasez de numerario que hay en aquel Departamento, y la pronta remision á el de retortas, cilindros, y otros aparatos pequeños de destilacion, asi como de frascos de fierro para el envase del azogue.

Yo habria propuesto un contrato de compañia á la junta un avio, ó cualquiera otro convenio, si tuviese tiempo para poder proporcionar los datos y circunstancias que se requieren para dichos contratos; pero comprometido por el Supremo Gobierno á marchar de esta capital dentro de algunos dias, me veo en el caso de limitarme á lo que parece no presentar dificultad, y abre el campo á nuevos convenios posteriores. Estoy bien persuadido de que la Junta accederá á mi solicitud en todo aquello que esté en sus facultades, y que elevará al Supremo Gobierno con recomendacion lo que sea del resorte de este.

Mis proposiciones pues son las siguientes:

Primera.—La Junta, en el acto de aprobar el convenio, me entregará una libranza contra una casa de comercio en Mazatlan valiosa cinco mil pesos.

Segunda.—Por mi parte me comprometo á situar en dicho puerto á los seis meses de haber salido de el, cincuenta quintales de azogue, á razon de cien pesos cada uno, que remitiré de las primeras estracciones con absoluta preferencia a todo otro compromiso.

Tercera.—La Junta mandará poner a mi disposicion antes de mi salida de la capital, las ocho retortas de fierro que tiene en su oficina y todos los frascos para azogue que se hallan en la negociacion de Tasco, en estado de uso; y por ultimo entregará al Señor Don Tomas Ramon del Moral, mi apoderado, las cantidades que importen las retortas, cilindros, y otra clase de aparatos pequeños que se mande hacer para la negociacion, hasta la cantidad de mil pesos.

Cuarta.—Las retortas de la Junta las recibiré por el precio de su costo, y los frascos que escoja, á dos pesos cada uno conforme á su avaluo.

Quinta.—El importe liquido de dichas retortas y frascos y él de las cantidades que se hayan entregado al Señor Moral lo devolveré en el termino de un año de este convenio, asi como el

premio de la libranza contra Mazatlan, en Azogue puesto en dicho puerto al precio de cien pesos quintal: pero si la Junta quisiere tomar una ó mas acciones en la mina, quedará en parte de la cantidad correspondiente á una ó mas barras.

Sexta.—Entretanto que se arregla la compañia, durante un año contado desde el dia en que se apruebe este convenio, y satisfechos ya los cinco mil pesos de que habla la proposicion primera, preferiré á la Junta en la venta de azogue puesto en Mazatlan, á razon de cien pesos quintal.

Sétima.—La Junta representará al Supremo Gobierno la necesidad de que apruebe la posesion que se me ha dado de la mina por las autoridades locales de Californias, en los mismos términos en que hoy la tengo.

Octava.—Ygualmente le representará las ventajas de que como colono se me conceda dos sitios de ganado mayor sobre el terreno de mi posesion minera, con el objeto de poderme aprovechar de las maderas, para mis quemas.

Novena.—Al cumplimiento de este contrato hipeteco la misma mina y todas sus pertenencias.

El que subscribe sugeta á la deliberacion de la Junta está solicitud, la que aceptada se podrá elevar á contrato formal y legalizar del modo mas conveniente.

Dios y Libertad. México, doce de Mayo de mil ochocientos cuarenta y seis.

ANDRES CASTILLERO.

—

Exmo. Señor:—Habiendo dado cuenta al Exmo. Señor Presidente interino de la republica con la nota de V. E. de catorce del presente, á que se sirvío acompañar con recomendacion la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la Mision de Santa Clara en la Alta California; se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo, para principiar la esplotacion de dicho mineral, y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Esteriores y Gobernacion, para que libre las órdenes oportunas por lo respectivo á lo que contiene la octava proposicion á la concesion de terrenos en aquel Departamento.

Reitero á V. E. &c.

Dios &c. Mayo 20 de 1846.

Exmo. Señor Don Vicente Segura,
Presidente de la Junta de Fomento de Mineria.

Exmo. Señor:—Hoy digo al E. S. D. Vicente Segura, Presidente de la Junta de Fomento de Mineria lo que copio.

"E. S. Habiendo, &c."

Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del Senor Castillero á que ha tenido á bien acceder el E. S. Presidente interino sobre que como colono se le conceda dos sitios de ganado mayor sobre el terreno de su posesion minera se sirva V. E. librar las órdenes de que se trata.

Reitero, &c.

Fecha ut supra.

E. S. Ministro de Relaciones, Esteriores y Gobernacion.

SECRETARIA DE ESTADO Y DEL DESPACHO DE RELACIONES ESTERIORES.

José Miguel Arroyo, Intendente honorario de ejercito y oficial mayor primero del Ministerio de Relaciones Esteriores de la Republica Méxicana.

[Sello.] Certifico que en los archivos de este Ministerio existe un Expediente relativo al descubrimiento de una mina de azogue por Don Andres Castillero en la Mision de Santa Clara en la Alta California, titulado "Ministerio de Justicia é Instruccion Pública.—Año de 1846.—La Junta de Fomento de Mineria participa que Don Andres Castillero ha descubierto en la Mision de Santa Clara de la Alta California un criadero de cinabrio de excelente calidad, y acompaña la representacion de este Señor en que pide avio para la esplotacion de dicha mina." Certifico además que las precedentes y anecsas veinte y cuatro paginas numeradas por mi con tinta encarnada del número uno al veinte y cuatro inclusive, de papel transparente, son una verdadera y exacta copia ó calco del referido Expediente compuesto de comunicaciones oficiales, copias, minutas ó borradores de oficinas, notas y acuerdos que es lo que constituye el citado Expediente.

[Sello.] En testimonio de lo cual doy el presente bajo mi firma y sello de oficio de este Ministerio hoy veintisiete de Abril de mil ochocientos cincuenta y ocho.

[Derechos 4 pesos.] JOSE MIGUEL ARROYO.

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 8th, 1858.

The undersigned, Minister of the United States of America, for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have hereunto set my hand,
[L. S.] and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

I, John Forsyth, Minister of the United States of America for the Republic of Mexico, do hereby certify, that on the afternoon of the 29th July last past, I was present at the office of the Ministry of Foreign Relations, when and where the Chief Clerk of the Section of Europe, Don Manuel Larrañaga, in the presence of the undersigned, produced from the archives of said office an expediente, with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisted by the undersigned and H. B. M's. Consul, Frederick Glennie, Esq., the foregoing copy proved to be in every respect alike and correct. The undersigned in like manner, certifies that Don Manuel Couto, Secretary of the Junta de Mineria, who also assisted at said comparison, acknowledged, in his presence, that the official communication with which the said expediente commences, marked or numbered 573, as also the original petition in said expediente signed by Andres Castillero, the originals of which and the preceding copies he closely examined, are in his own handwriting, and were written by him on the day in which they bear date.

MEXICO, 4th August, 1858.

JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the afternoon of the twenty-ninth day of July now last past, I was present at the office of the Ministry of Foreign Affairs of the Mexican Republic, when and where the Chief Clerk of the Section of Europe, Don Manuel Larrañaga, in my presence, produced from the archives of the said office an "expediente," with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisted by John Forsyth, Esq., Minister of the United States of America to the Mexican Republic, and by the undersigned, the foregoing copy was found to be in every respect alike and correct; and I do further certify, that Don Manuel Couto, Secretary of the Junta de Mineria, who also assisted at said comparison, declared, in my presence, that the official communication with which said "expediente" commences, marked or numbered 573, as also the original petition in said "expediente" signed by Andres Castillero, the original of which and the preceding copies he closely examined, are in his own proper handwriting, and were written by him on the day of the date thereof.

[L. S.] In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE.
H. B. M.'s Consul.

MINISTERIO DE RELACIONES EXTERIORES, GOBERNACION Y POLICIA.

AÑO DE 1847. YNDIFERENTE.

No. 67.

El Gobernador de Californias sobre descubrimiento de una mina de azogue en aquel departamento y remite una muestra de ese ingrediente.

Concesion de dos sitios al Señor Castillero inmediato a la mina de azogue.

GOBIERNO DEL DEPARTAM^TO. DE CALIFORNIA.

Abril 6, 846. Recibo y enterado

Exmo. Señor:—Por la adjunta carta del Señor D^n. Andres Castillero que atentamente

con satisfaccion; y que respecto a los otros puntos de que trata la carta informe con detencion lo que se le ofrezca.

acompaño á V. E. original, se impondrá del buen descubrimiento que de una mina de azogue se ha hecho en este Departamento.

En tal virtud aprovecho la buena oportunidad de remitir á V. E. con el Señor Comisionado de este Gobierno Don José M. Covarrubias, el azogue que como muestra, me mandó el Señor Castillero y se refiere en su carta mencionada.

Con tal motivo suplico á V. E. se sirva poner esto en el superior conocimiento del Exmo. Señor Presidente, manifestándole el azogue que produce dicha mina, para que S. E. se imponga y quede complacido de tan feliz descubrimiento.

Repito á V. E. nuevamente las atenciones de mi consideracion y respeto.

Dios y Libertad. Angeles, Febrero 13, de 1846.

PIO PICO.

Exmo. Señor Ministro de Relaciones Exteriores.

Exmo. Señor Gobernador, Don Pio Pico:

MISION DE SANTA CLARA, Diciembre 10, 1845.

Estimadisimo Amigo:—Hay remito á V. una muestra de azogue que he sacado á presencia de muchos testigos, la mina está denunciada por mi y formamos una compañia entre algunos.

V. y la Junta Departamental estoi seguro que apreciarán un descubrimiento que formará la riqueza del pais y queremos se nos conceda el terreno baldio cerca de nuestros trabajos para cortar leña con la orden de posesion.

Es tanto el azogue que hay, que ocho arrobas de piedra dieron una arroba de metal, y en mi concepto hay muchas, y se puede hacer grande estraccion.

Estimaré á V. tambien mande darme posesion de la Ysla de Santa Cruz que me concedió el Supremo Junta que á los Señores Carrillos; ya está mercado el ganado que se ha de embarcar, y la posesion me la puede dar Don Anastacio Carrillo.

Que V. se conserve sin novedad y que mande á su afectisimo amigo, que lo estima aprecia sus órdenes y atento B. L. M.

ANDRES CASTILLERO.

P. L.—Salúdeme V. á los amigos Covarrubias y Valle y al Señor Hijar, que porque no me contesta tres cartas que le he remitido, dándole tambien memorias.

Exmo. Señor:—Queda enterado con satisfaccion el E. S. Presidente interino, por la carta del Señor Castillero que V. E. me remitió con oficio de 13 de Febrero último, del importante descubrimiento que se ha hecho de una mina de azogue en ese Departamento, habiendo visto S. E. la muestra que de ese ingrediente cita la mencionada carta y V. E. me mandó con Don José M. Covarrubias.

Tengo el honor de decirlo á V. E. de Suprema orden en respuesta al oficio referido, asi como que respecto de los otros puntos que trata la carta del Señor Castillero, informe ese Gobierno con detencion lo que crea conveniente.

D., Abril 6, 846.

Exmo. Señor Gobernador del Departamento de Californias, Puerto de los Angeles.

MINISTERIO DE JUSTICIA E INSTRUCCION PUBLICA.

Mayo 23, 1846. Espidanse las ordenes á que se contrae esta comunicacion.

Hoy digo al Exmo. Señor Don Vicente Segura, Presidente de la Junta de Fomento de Mineria, lo siguiente:

"Exmo. Señor:—Habiendo dado cuenta al E. S. Presidente interino, con la nota de V. E. de 14 del presente á que se sirvio acompañar con recomendacion, la solicitud del Señor Don Andres Castillero para el fomento de la mina de azogue que ha descubierto en la mision de Santa Clara en la Alta California, se ha servído S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo para principiar la esplotacion de dicho mineral, y con este fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Exteriores y Gobernacion para que libre las órdenes oportunas por lo respectivo á lo que contiene la 8ª proposicion relativa á le concesion de terrenos en aquel Departamento."

Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del Señor Castillero á que ha tenido á bien acceder el E. S. Presidente interino sobre que como colono se le conceda dos sitios de ganado mayor sobre el terreno de su posesion minera, se sirva V. E. librar las ordenes de que se trata.

Reitero a V. E. las seguridades de mi consideracion y aprecio.

Dios y Libertad. México, Mayo 20, de 1846.

BECERRA.

Exmo. Señor Ministro de Relaciones Exteriores y Gobernacion.

Exmo. Señor:—El E. S. Ministro de Justicia en oficio de 20 del corriente me dice lo que copio:

"E. S.—Hoy digo, &c."

Y lo transcribo á V. E. para que con arreglo á lo que prevengan las leyes y disposiciones sobre colonizacion, ponga al Señor Castillero en posesion de los dos sitios que se mencionan.

D., Mayo 23, 846.

Exmo. Señor Gobernador del Departamento de Californias.

Felipe Raigosa, Oficial mayor del Ministerio de Gobernacion de la Republica Méxicana:

[Sello.] Certifico, que en los archivos de este Ministerio existe un expediente, relativo al descubrimiento de una mina de azogue, por Don Andres Castillero, en la Mision de Santa Clara en la Alta California, titulado, "Ministerio de Relaciones Esteriores, Gobernacion y Policia.—Año de 1846.—Numero 67.—Yndiferente.—El Gobernador de California, sobre descubrimiento de una mina de azogue en aquel Departamento, y remite una muestra de ese ingrediente. Concesion de dos sitios al Señor Castillero inmediatos á la mina de azogue." Certifico ademas que las precedentes y anexas diez páginas numeradas por mi con tinta encárnada, del número 1 al 10, de papel transparente, son una verdadera y exacta copia ó calco del referido expediente, compuesto de comunicaciones oficiales, cartas, minutas ó borradores de oficinas notas y acuerdos, que es lo que constituye el citado expediente que he visto y comparado.

[Sello.] En testimonio de lo cual doy el presente, bajo mi firma y con el sello de oficina de este Ministerio, hoy 1° de Mayo, de 1858.

FELIPE RAIGOSA.

[Sello.] José Miguel Arroyo, Yntendente honorario de Ejercito y oficial Mayor primero del Ministerio de Relaciones esteriores de la Republica Mexicana.

Certifico, que Don Felipe Raigosa es actualmente oficial Mayor del Ministerio de Gobernacion en la propia República, y la anterior firma es la suya que usa en los documentos que autoriza.

México, 1° de Mayo, de 1858.

[Sello.] J. MIGUEL ARROYO.

[Derechos 4 pesos.]

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 8th, 1858.

The undersigned, Minister of the United States of America for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law, to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have hereunto set my
[L. S.] hand, and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

I, John Forsyth, Minister of the United States of America for the Republic of Mexico, do hereby certify, that on the forenoon of the 29th July last past, accompanied by the Consul of H. B. M., Frederick Glennie, Esq., by John P. Brodie, the Licentiate Emilio Pardo, the Secretary of the Junta de Mineria, Don Manuel Couto and Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, I was present at the office of the Ministry of Government and Police, when and where the Chief Clerk of said Ministry, Don Ygnacio Anievas, in presence of the undersigned, produced from the archives of said office, an "expediente," on being compared with which, by Messrs. Brodie and Pardo, the foregoing copy proved to be absolutely alike and correct in every respect, the underesigned having assisted at said comparison, which was made scrupulously and carefully in his presence, and in the presence of the other persons above-mentioned.

MEXICO, 4th August, 1858. JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the afternoon of the twenty-

ninth day of July now last past, accompanied by John Forsyth, Esq., Minister of the United States of America to the Republic of Mexico, by John P. Brodie, the Licentiate Emilio Pardo, the Secretary of the Junta de Mineria, Don Manuel Couto, and Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, I was present at the office of the Ministry of Government and Police, when and where the Chief Clerk of said Ministry, Don Ygnacio Anievas, produced, from the archives of said office, an "expediente," with which the foregoing copy was carefully and scrupulously examined and compared by the above-named John P. Brodie and Emilio Pardo, in the presence of the undersigned, (who assisted at said comparison,) and in that of the other persons above-mentioned, and was found and proved to be, in every respect, an exact and true copy of the "expediente" aforesaid.

In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

[L. S.]

F. GLENNIE,
H. B. M.'s Consul.

ESCRIBANIA PUBLICA DE JUAN NAVARRO.

Certificacion con Insercion de Unos Ynstrumentos Publicos Otorgados ante el Finado Escribano Don Nazario Fuentes, en el Año de 1846, *por las Personas que en ellos Constan. Mexico,* 1858.

Yo, Juan Navarro, Escribano Nacional y Público eu la ciudad de México y Matriculado en su Nacional Colegio.

Certifico: y doy fé por la presente que por fallecimiento del Escribano Nazario Fuentes, quedaron en mi poder y bajo mi custodia y responsabilidad, los libros de protocolos de Ynstrumentos públicos que pasaron ante él, los que conservo legalmente en mi oficina. Certifico igualmente que entre ellos hay un libro Protocolo encuadernado y cosido de papel sellado del que se usa para las escrituras y demas instrumentos públicos para los años de mil ochocientos cuarenta y seis y mil ochocientos cuarenta y siete, compuesto de ciento veinte y una foxas, y en el que constan los originales de los instrumentos públicos hechos ante el precitado finado Escribano Nazario Fuentes y

testigos instrumentales de costumbre cuyo libro se titula, "Año de 1846.—Protocolo de instrumentos públicos del Escribano Nazario Fuentes."

Certificio asimismo que en dicho libro ecsiste un instrumento público hecho ante el dicho Nazario Fuentes el que está en las palabras y forma siguientes:

En la ciudad de México á diez y siete de Diciembre de mil ochocientos cuarenta y seis, ante mi el Escribano Público y testígos, presente el Señor Don Andrés Castillero, Capitan de Caballeria Permanente de esta vecindad, cuya persona mayor de edad doy fé conozco y dijo: que por el documento que presenta, consta que como dueño de una mina de plata con ley de oro y azogue, ubicada en el Rancho de Don José Reyes Berreyesa en la jurisdiccion del Pueblo de San José de Guadalupe, del Territorio de la Alta California, en el segunda Distrito de Monterey, y cuya mina se conoce con el nombre de Santa Clara, celebró un contrato de compañia de dicha mina con los Señores Comandante-General Don José Castro, Don Secundino Robles, y Don Teodoro Robles; asi como con el Reverendo Padre Fray José Maria del Refugio Suarez del Real como cesionario perpetuo de sus consocios por cuatro Barras de la mencionada Mina, cuyo documento otorgado en la Mision de Santa Clara á dos de Noviembre de mil ochocientos cuarenta y cinco en copia sacada del original que existe en el Archivo del Partido, autorizada por el Señor Don Manuel Castro y Con Antonio Maria Pico, doy fé tener á la vista en las citadas dos fojas útiles en papel comun. Que el relacionado Don José Castro su consocio por si y á nombre de los socios de la mencionada mina otorgó en el Puerto de Monterey á los doce dias mes de Junio del corriente año de mil ochocientos cuarenta y seis un poder especial pero amplio, á favor del Presbitero Don Eugenio Macnamara para que contrate con una compañia Ynglesa que se hiciese cargo del laborio de las tres pertenencias que á Castro y socios les corresponden en la espresada mina con objeto de de proporcionarle los Avios y gastos necesarios para el aumento de la negociacion: todo con entera sujecion á lo que para casos como el presente disponen las ordenanzas de mineria. Que con tal autorizacion el prenotado Señor Presbitero Don Eugenio Macnamara, en la ciudad de Tepic, á veinte y ocho de Noviembre del corriente año de mil ochocientos cuarenta y seis, realizó el contrato para que fué autorizado con el Señor Don Alexandro Forbes por si y á nombre de la compañia Ynglesa que representa: reduciéndolo á Escritura Pública otorgada ante el Escribano Público Don Pánfilo Solis, Cuyo tenor con el poder que jusitfica la representacion del Señor Macnamara es como sigue:—Corregido.

Sigue la escritura. En la Ciudad de Tepic á veinte y ocho de Noviembre de mil ochocientos cuarenta y sies, ante mi el Escribano y testigos, el Presbitero Don Eugenio Macnamara actual residente en este lugar dijo; que Don José Castro, vecino del Puerto de Monterey, como socio en la mina de azogue que se halla en la comprehension de Santa Clara, y á nombre de sus consocios, que le cedieron sus derechos para que contratase con una compañia Ynglesa la elboracion de dicha Mina, le confirió poder con este objeto, el cual otorgado ante cuatro testigos en dicho Puerto, en does foxas á doce de Junio del corriente año doy fé tener á la vista original y su tenor á la letra dice:

Poder.—En el puerto de Monterey á las doce dies del mes de Junio de mil ochocientos cuarenta y seis. Yo, José Castro, con presencia de los testigos que al fin se nombrarán: usando del derecho que me han otorgado mis socios para celebrar cualesquiera contrato que se pudiera ofrecer, con respecto á las tres pertenencias que por justos titulos y como descubridores tenemos en la mina de azogue en la comprehension de Santa Clara, y favoreciéndoles las ordenanzas de mineria y leyes concernientes, especialmente el soberano decreto de siete de Octubre de mil ochocientos veinte y tres, para que se proporcione el grande provecho y utilidad al laborio de esta clase de minas y siendo la que poseen en la actualidad, la primera, unica y principal por su ley, que se ha descubierto en la Nacion Mexicana, y que no pudiendo el Gobierno Supremo darles los auxilios que les corresponden por hallarse en una distancia inmensa y ultramarina, sin esperanza de que este pais por si mismo fomente este interesante ramo por no tener ningunos fondos de que disponer, y sin encontrarse al mismo tiempo un facultativo minerálogico, ni haber brazos para el adelanto de esta industria desconocida en esta Departamento; ha convenido y conviene dar poder especial, amplio, bastante y por cuanto por derecho se requiere, mas pueda y deba valer, al Presbitero Don Eugenio Macnamara, para que representando su persona y la de sus socios contrate con una compañia Ynglesa, con esclusion de cualquiera otra Nacion, para que se haga cargo del laborio de las tres pertenencias de dicha Mina por el tiempo de nueve años, con el fin de proporcionar los Avios, hacer los gastos necesarios, y mantenerla en buen giro y con arreglo á las mencionadas ordenanzas de mineria, siendo los productos de las tres pertenencias de la Mina, para los dueños una mitad, y la otra mitad para la compañia Ynglesa y cuando no se pudiere convenir á ello, se ofrecerá á la compañia Ynglesa las dos terceras partes para que los dueños reciban la otra tercera parte, entendiéndose que la parte que corresponde á los

dueños será libre de gastos, y si aun en esto no hubiere convenio se harán otras estipulaciones de acuerdo con Don Andres Castillero para facilitar la realizacion de un contrato; y concluido el tiempo mencionado de nueve años, se prorrogarán otros siete años mas, en los mismos términos que se celebre la primera contrata quedando la negociacion despues de todo este tiempo á disposicion absoluta de los dueños de la Mina, como tambien todos los materiales, fábricas y demas pertenencias que á ella le corresponden, como máquinas y demas útiles adherentes á este beneficio sin que por causa alguna tenga la compañia Ynglesa derecho á reclamar cualesquiera otra clase de gastos que para su beneficio y propia utilidad llegare á originar.

Y à la firmeza y validacion de lo que en virtud de este poder se ejecutare, se obliga el otorgante en toda forma de derecho à su cumplimiento, y para lo cual se somete à los Señores Jueces que del caso deban conocer; en cuyo testimonio lo firmó con los cuarto testigos que lo son Don David Spence, Don Juan Malarin, Don Manuel Diaz y Don Antonio Maria Rio, en el dia mes y año ya mencionados.—José Castro.—David Spence. —Manuel Diaz.—Juan Malarin.—Antonio Maria Rio.

Sigue la Escritura. Que el inserto poder no le está revocado ni limitado en manera alguna, y que despues de haber solicitado con el mayor empeño el nogocio para que fue facultado, ha celebrado con el Señor Don Alexandro Forbes subdito y Consul Británico por si, y por sus socios en este empresa, el contrato que espresan las siguientes condicions:

1ª. *Primera:* El Señor Don Alexandro Forbes y sus socios, se hacen cargo del laborio de las tres pertenencias que comprehende dicha mina de azogue por el término de diez y seis años, segun está facultado por el inserto poder, y sin que sea necesario el acuerdo de Don Andres Castillero, en razon de que este contrato esta fuera de los limites para que fué autorizado el relacionante.

2ª. *Segunda:* Que el Señor Forbes y socios estan en la obligacion de proporcionar los Avios necesarios, erogar los gastos precisos y mantener la mina en buen giro, y con arreglo á las ordenanzas de mineria.

3ª. *Tercera:* Que de los productos de las tres pertenencias que comprende la mina, percibirán dos terceras partes el Señor Forbes y sus socios, quedando lo otra parte á favor de los dueños: sin que ella se deduzca gasto alguno.

4ª. *Cuarto:* Que concluidos los diez y seis años de esta compañia queda la negociacion á la disposicion absoluta de los dueños, asi como todos las materiales, fábricas y demás pertenen-

cias que á ella le correspondan, como máquinas y otros utiles anecsos á la negociacion; y por ningun motivo tendrán derecho á reclamar el Señor Forbes y sus socios, cualesquiera otra clase de gastos que para su beneficio y propia utilidad lleguen á originarse.

Presente el Señor Don Alexandro Forbes, cuya persona doy fé conozco, por si y como representante de los demás accionistas en este asunto, é impuesto de las anteriores condiciones del poder inserto dijo; que aquellas están arregladas en un todo á los términos con que ha celebrado este negocio.

Ambos otorgantes manifestaron: que este contrato queda celebrado bajo las condiciones estipuladas que se obligan á observar y cumplir religiosamente, sin interpretacion, y áno reclamar esta escritura en todo ni ne parte, y el que faltare será estrechado á su observancia por la via ejecutiva, asi como al pago de los perjuicios y gastos que se originen cuyo monto defieren en la relacion jurada de quien sea parte, sin otra prueba de que se reelevan, aunque se requiera de derecho. Y á la firmeza de todo le referido obligan los otorgantes sus bienes y los de los socios de la Mina y del Señor Forbes, y los someten á la jurisdiccion de los Señores Jueces que de sus causas deban conocer, para que á su complimiento los estrechen como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada. Asi lo otorgaron y firmaron siendo testigos los ciudadanos Nicolás Figueroa, Manuel Covarrubias y Luis Villalbaso presentes y vecinos: doy fé.

EUGENIO MACNAMARA.

ALEXANDRO FORBES.
PANFILO SOLIS,
Escribano Publico.

Concuerda la anterior escritura con la copia original que en cuatro fojas útles de los sellos primero y curato doy fé tener á la vista.

El prenotado Señor Don Andres Castillero continuó diciendo que en la mas solemne forma que haya lugar en derecho otorga: que se obliga á cumplir por su parte exacta y religiosamente como uno de los socios contratantes con el Señor Forbes todo cuanto contiene le escritura inserta, que aprueba y ratifica en todas sus partes, queriendo que se le tenga desde este momento por uno de los obligados al cumplimiento de su literal tenor.

Desde hoy hasta complidos los diez y seis años del contrato, se obliga y á sus herederos y sucesores á no reclamar cosa al-

guna contra la escritura inserta, pero si lo hiciere, quiere no ser oido en jucio ni fuera de el.

Cede en favor del Avio y por los diez y seis años de la contrato los dos sitios de ganado mayor de que el Supremo Gobierno le tiene hecha gracia segun consta por el documento oficial que presenta para que quede copiado al final de la presente escritura y salga inserta en las copias que de ella se espidan.

Y por cuanto á la falta de solemnidad que pueda notarse en el poder inserto en la escritura, que va copiada en la presente, se obliga á recabar el esplicito consentimiento de sus consocios, que ratificarán la presente escritura para quitar las dudas que puedan ocurrir acerca de la representacion del Padre Don Eugenio Macnamara por los consocios del Señor Castro y del que habla. Declara igualmente que está anuente en que el contrato de que habla esta escritura no tenga efecto hasta que la compañia Ynglesa se halle en quieta y pacifica posesion de la Mina á que se refiere.

Con cuyas calidades y conditiones el prenotado Señor Castillero, se obliga por su parte al cumplimiento de cuanto queda dicho, y asegura que para el otorgamiento de la presente escritura no ha sido engañado; sino antes le es util á sus intereses, y que en el no hay mas condiciones que las espresadas, ni el convenio envuelve lesion, ni usura de ninguna especie, como lo jura por Dios y la Señal de la Cruz: pero si alguna resultare, del esceso le hace gracia y donacion á la compañia Ynglesa pura, perfecta, é irrevocable con insinuacion y renunciacion de la ley segunda, titulo primero, libro diez de la Novisima Recopilacion.

Desde hoy hasta cumplidos los diez y seis años del contrato y reservándose unicamente los derechos que por el dominio y propiedad le pertenecen, del de posesion y demás que tenga, se desapodera quita y aparta, asi como á sus herederos, y todos los cede renuncia y traspasa en el relacionado Señor Forbes, como representante de la compañia Ynglesa, á quien por la presente le confiere amplio poder y facultad bastante constituyéndolo procurador en su propia causa para que con sujecion á las ordenanzas de mineria, y con total arreglo á la presente escritura, se aproveche la compañia de los productos que con arreglo á la misma le pertenecen, practicando todo lo demas para que esta facultada.

So obliga á la eviccion seguridad y saneamiento de este contrato que por su parte le será cierto y seguro, y que, por el no se le moverá pleito; pero si alguno resultare de su cuenta lo seguirá hasta dejar á la compañia en quieta y pacifica posecion; lo que si no lograre, le pagará todos los daños y perjuicios con las costas procesales y personales que se causen. Se

sujeta al tenor literal de la ley primera, titulo primero libro diez de la Novisima Recopilacion, cuyo contenido sabe y quiere se le tenga por obligado al cumplimiento de la presente escritura.

Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad cuya persona mayor de edad doy fé conozco é impuesto del contenido de esta escritura dijo; que teniendo orden espresa y facultad bastante por el Señor Alexandro Forbes, á su nombre y el de la compañia Ynglesa, acepta esta instrumento dando por contentos y satisfechos á los interesados en ella. El varias veces dicho Señor Don Andres Castillero, al cumplimiento de cuanto queda espuesto, obliga su persona y bienes presente y futuros y con ellos se somete al fuero y jurisdiccion de los Señores Jueces que de sus causas conforme á derecho puedan y deban conocer para que á ello lo compelan y apremien como por sentencia definitiva y consentida y pasada en autoridad de cosa juzgada; renuncia su domicilio y vecindad con la general del derecho y la que prohibe su general renunciacion. Y por ante mi asi lo otorgó y firmó con el Señor Negrete siendo testigos Don Manuel Terrazas, Don Octaviano de la Rosa, y Don Manuel Barron presentes y vecinos doy fé.

ANDRES CASTILLERO.

FRANCISCO MARTINEZ NEGRETE.

NAZARIO FUENTES, Escribano Publico.

Certifico y doy fé que el documento oficial de que se habla en la anterior escritura es del tenor siguiente:

MINISTERIO DE RELACIONES ESTERIORES
GOBERNACION Y POLICIA.

Exmo. Señor:—El E. ó Y. S. Ministro de Justicia, en oficio de 20 del corriente, me dice lo que copio:

"E. S.:—Hoy digo al E. S. D. Vicente Segura, Presidente de la Junta de Fomento de Mineria, lo siguiente:

E. S.:—Habiendo dado cuenta al E. S. Presidente interino con la nota de V. E. de 14 del presente á que se sirvió acompañarme, con recomendacion, la solicitud del S. D. Andres Castillero para el fomento de la mina de azogue que ha descubierto en la Mision de Santa Clara en la Alta California; se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo para principiar la explotacion de dicho mineral y con esta fecha se hace la comunicacion que corresponde al Ministerio de Relaciones Exteriores y Gobernacion, para que

libre las ordenes oportunas por lo respectivo á lo que contiene la 8ª. proposicion, relativa á la concession de terrenos en aquel Departamento.

Y tengo el honor de insertarlo á V. E. á fin de que por lo respectivo á la solicitud del S. Castillero, á que há tenido á bien acceder el E. S. Presidente interino sobre que como cólono se le conceda dos sitios de ganado mayor sobre el terreno de su posesion minera, se sirva V. E. librar las órdenes de que se trata.

Reitero á V. E. &c."

Y lo participo á V. E. para que, con arreglo á lo que prevengan las leyes y disposiciones sobre colonizacion, ponga al S. Castillero en posesion de los dos sitios que se mencionan.

Dios y Libertad. México, Mayo 23, de 1846.

CASTILLO LANZAS.

E. S. Gobernador del Departamento de Californias.

NAZARIO FUENTES.

Además certifico y doy fé, que en dicho libro inmediatamente despues del precedente instrumento, hay otro instrumento que esta en las palabras y forma siguiente:

Escritura de venta. En la Ciudad de México á diez y siete de Diciembre, de mil ochocientos cuarenta y seis, ante mi el Escribano público y testigos, presente el Señor Don Andres Castillero, Capitan de Caballeria permanente, de esta vecindad, cuya persona mayor de edad, doy fé conozco y dijo; que es dueño en propiedad de doce barras, en la mina de plata con ley de oro y azogue, situada en el rancho de Don José Reyes Berreyesa, en jurisdiccion del Pueblo de San José de Guadalupe, del territorio de la Alta California, en el segundo Distrito de Monterey; que con tal caracter, por la presente y en la mas solemne forma que haya lugar en derecho, otorga por si y a nombre de sus herederos y sucesores y los que sus derechos representen que vende en venta real y enagenacion perpetua, al Señor Don Alexandro Forbes, para el sus herederos y los que sus derechos representen, a saber cinco barras de las doce que posee en propiedad en la referida mina de Santa Clara que hubo el Señor otorgante como descubridor, y con tal caracter trasfiere en el Señor comprador, las esplicadas cinco barras, con todas sus usos aprovechamientos, servidumbres con cuanto mas de hecho y de derecho le toca y pertenece; pues

todo lo cede, renuncia y traspasa, en el mencionado Señor Forbes ó quien su derecho represente. Declara: que la repetidas cinco barras se hallan libres de todo gravamen, censo, é hipoteca especial ni general, y asi se lo asegura, por el precio y cuantia de cuatro mil pesos, que confiesa tener recibidos en moneda de plata comun y corriente del cuño Méxicano, a toda su satisfaccion, sobre lo cual renuncia la escepcion de la non-numerata pecunia, la ley 9 titulo 1°. Partida 5ª. con los cuatro años que concede para la prueba, los que dá por pasados, otorgando por la presente el mas firme y eficaz resguardo que á la seguridad del comprador conduzca.

Asegura que el justo y legitimo precio de las esplicadas cinco barras, son los cuatro mil pesos, que confiesa tener recibidos: pues no valen mas, ni ha habido quien tanto le ofrezca, pero si mas fuere su valor, ó con el tiempo fuese excesiva la bonanza, de todo le hace gracia y donacion pura, mera, perfecta é irrevocable, con insinuacion y renunciacion de la ley 2 titulo 1°. Libro 10 de la Novisima Recopilacion que trata de los contratos en que hay lesion en mas ó menos de la mitad del justo precio, fijando cuatro años para pedir su rescision ó suplemento al justo valor los que dá por pasados y renuncia con la ley citada. Desde hoy para siempre se desapodera, quita y aparta de toda accion propiedad, dominio, y cuási posesion que pueda tener á las esplicadas cinco barras, y todo lo cede, renuncia y traspasa, en el Señor comprador ó quien lo represente, para que como dueño de ellas disponga á su arbitrio, como de cosa suya, adquirida con justo y legitimo titulo habil y traslativo de dominio, cual es la presente escritura tomando por si ó judicialmente su posesion y tenencia, constituyéndose en el interin por su inquilino y precario posedor en legal forma. Se obliga á la eviccion, seguridad y saneamiento de esta venta, asi como á que jamás sirva de obstáculo el articulo segundo de la escritura de compañia otorgada en la Mision de Santa Clara, á dos de Noviembre de mil ochocientos cuarenta y cinco, pues se obliga á hacer pasar y consentir en ella á sus consocios, asi como ha consentido y pasado el Señor otorgante por las que han hecho sus compañeros; en la inteligencia, que si esto no pudiere conseguir, ó se le moviere pleito alguno al comprador de que á su costa no lo pudiere dejar en quieta y pacifica posesion, le devolverá los cuatro mil pesos que confiesa tener recibidos, con los frutos de las doce barras de que es dueño, pagándole todos los daños perjuicios, y menoscabos que se le originen; sin mas prueba que el simple juramento de la parte. Y para el cumplimiento de esta obligacion, hipoteca espresa, especial, y señaladamente, las espresadas doce barras que no podrá vender, gravar, ni de otra manera enagenar, sin espreso consentimiento

del Señor comprador; que podrá en caso contrario, reclamarlas hasta de tercero ó mas poseedores, para cubrirse de cuanto con arreglo á la presente Escritura se le adeude. Y siendo presente el Señor Don Francisco Martinez Negrete de esta vecindad y comercio, cuya persona mayor de edad doy fee conozco, é impuesto del contenido de esta escritura dijo; que hallándose competentemente autorizado con órdenes del Señor Don Alexandro Forbes; á su nombre y en legal forma, acepta la presente, prestando para el efecto, voz y caucion de grato et rato por su representado y á su nombre se dá por contento y satisfecho, con el presente instrumento, obligandose á cumplir lo que en el le pertenece al Señor Forbes. Y al cumplimiento de todo lo espuesto el Señor vendedor obliga su persona y bienes presentes y futuros, y con ellos se somete al fuero y jurisdiccion de los Señores jueces que de sus causas conforme á derecho puedan y deban conocer, para que á ello lo compelan y apremien como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada; renuncia su domicilio y vecindad con la general del derecho y la que prohibe su general renunciation. Y por ante mi lo otorgó y firmó con el Señor Negrete, siendo testigos Don Manuel Terrazas, Don Octaviano de la Rosa y Don Manuel Barron presentes y vecinos: doy fee. Y de que al firmar añadieron los Señores contrayentes: que esta venta y todo cuanto consta en la presente escritura, no tendrá su verificativo hasta que el Señor Don Alexandro Forbes, esté en quieta y pacifica posesion de las cinco barras vendidas; y si por cualquiera personas ó por cualquiera motivo, fuere perturbado; entonces tendrá todo su efecto la hipoteca que hace para ese caso, de las doce barras de que se habla en la claúsula de eviccion, de la presente escritura: reproduciendo ante los mismos testigos la guarentijia dara el complimiento de esto ultimo y firmaron doy fé.=Andres Castillero.=Francisco Martinez Negrete.=Nazario Fuentes.=Certifico y doy fe que á pesar de las clausulas respectivas que constan en la anterior escritura, los contrayentes exijieron que presenciara la entrega de los cuatro mil pesos, la que se verificó por ante mi y los testigos que se dirá, en la casa de Don Francisco Martizez Negrete, de todo lo que doy fé; y para la constancia siento la presente, siendo testigos el Exelentisimo Señor Licenciado Don José Antonio Romero y Don Manuel Terrazas, presentes y vecinos doy fé.= Nazario Fuentes, Escribano Publico.

Certifico además: que las precedentes copias son verdaderas esactas y completas copias de dichos dos instrumentos en dicho libro que eciste en los archivos de mi oficina.

Y por ultimo certifico que á la conclusion de dicho libro hay

una certificacion puesta signada y firmada por el citado finado Nazario Fuentes en las siguentes palabras=Certifico y doy fe: que en el presente año no han ocurrido mas instrumentos que los que aparecen en las ciento veinte y una fojas que anteceden protocolo; y para constancia lo signo y firmo.=Nazario Fuentes, E. P.

Y en cumplimiento de lo mandado por el Señor Juez Primero de lo Civil de esta Capital Licenciado Don Antonio Madrid en auto de catorce del mes corriente, espido la presente, hoy veinte de Abril de mil ochocientos cincuenta y ocho, la que va en quince fojas, habiendo sido testigos á su saca y correccion Don Roman Orta, Don Ygnacio Esquibel y Don Pedro Navarro de esta vecindad, doy fe.=Juan Navarro, E. P.

El que suscribe Oficial Primero del Ministerio de Justicia negocios eclesiasticos é instruccion publica con ejercicio de decretos, y mayor honorario del mismo.

Certifico, que la firma que antecede del escribano
[SELLO.] Don Juan Navarro es la misma que usa a acostumbra poner con su signo dicho escribano en todos los documentos que autoriza, á los que sa les dá entera fe y credito. México, Mayo primero, de mil ochocientos cincuenta y ocho. —Mariano Alegria.

José Miguel Arroyo, Intendente honorario de Ejercito y Oficial mayor primero del Ministerio de Relaciones Exteriores de la Republica Méxicana.

No. 55.

Certifico que Don Mariano Alegria es actual-
[SELLO.] mente Oficial Primero del Ministerio de Justicia, negocios Eclesiasticos é Instrnccion Publica, con Ejercicio de Decretos y mayor honorario del mismo en la propia República, p anterior firma es la suya que usa en los documentos qne autoriza.=México, Mayo 1, de 1858.=José Miguel Arroyo.

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 8th, 1858.

The undersigned, Minister of the United States of America for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certifi-

cate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law, to certify to documents to be used in foreign countries, and that the said seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have hereunto set my
[L. S.] hand, and affixed the seal of this Legation, the day and year above-mentioned.

JOHN FORSYTH.

I, John Forsyth, Minister of the United States for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July last past, I was present at the office of the "Escribano," or Notary Public, Don Juan Navarro, when and where the said Navarro produced from the archives of his office, a book, formed of sheets of stamped paper stitched together, and consisting (exclusive of the fly leaf in the beginning and the index at the end) of one hundred and twenty leaves, and titled "*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes;" that in the presence of Frederick Glennie, Esq., H. B. M.'s Consul, the aforesaid Notary, Juan Navarro, and the undersigned, John P. Brodie, and the Licentiate Emilio Pardo, examined certain original instruments contained in said book, and compared the foregoing copy with the same, which was found to be a correct and true copy, with the exception of two slight omissions, which are certified to by said Notary, Navarro, in his certificate of said date 30th of July, duly legalized and certified to by the undersigned, under this present date.

MEXICO, 4th August, 1858.

JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the forenoon of the 30th day of July now last past, I was present at the office of the Notary Public, Don Juan Navarro, when and where the said Navarro produced, from the archives of his office, a book,

formed of sheets of stamped paper, stitched together and consisting (exclusive of the fly-leaf at the beginning and the index at the end) of one hundred and twenty leaves, entitled, "*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes;" that in the presence of John Forsyth, Esq., Minister of the United States of America to the Republic of Mexico, the aforesaid Notary, Juan Navarro, and the undersigned, John P. Brodie and the Licentiate Emilio Pardo examined certain original instruments contained in said book, and compared the foregoing copy with the same, which was found to be a true and correct copy, with the exception of two slight omissions, which are attested to by said Notary, Juan Navarro, in his certificate bearing date 30th July aforesaid.

[L. S.] In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE.
H. B. M.'s Consul.

El Licenciado Emilio Pardo por el Señor Don Andres Castillero ante V. con las protestas de mi respeto y como mejor proceda digo: que en el mes de Mayo, próximo pasado se espidio á mi pedimento un testimonio de ciertos documentos que existen en el protocolo del finado Don Nazario Fuentes, hoy á cargo del Escribano Don Juan Navarro, y se refieren á dos contratos sobre una mina de azogue descubierta en 1845 por el Señor Castillero en territorio de la Alta California. Desde que promovi la espedicion de ese testimonio manifesté á V. que la importancia de esa propiedad hacia que se disputara vivamente la authenticidad de esos documentos que justifican su legitima adquisicion, y como esas disputas no cesarán can la presentacion de los testimonios en S. Francisco á los Tribunales Americanos, he de merecer á V. se sirva mandar que quedando de ellos todas las razones y constancias que fueron necesarias se me entreguen originales para ecshibirlos en la prueba del negocio que se sigue contra los socios de Don Andres Castillero, sobre la propiedad de la mina de azogue llamada hoy Nuevo Almaden, y á que hacen relacion los documentos mencionados, mandando igualmente que el Señor Don Juan Brodie, agente de los interesados pueda inspeccionar personalmente el protocolo referido en presencia del Señor Ministro de los Estados Uni-

dos de América, comparando el original con el testimonio y devolviéndome este ocurso con el proveido que á el recayere.

A V. suplico provea de conformidad en lo que recibiré gracia y merced.

México, Julio 29, de 1858.

L., EMILIO PARDO.

[Presentado á las once de la mañana de su fecha.]

México, Julio 29, de 1858.—Atendido el tenor expreso de las leyes 2ª. tit. 8º. lib., 1º. F. R. 4ª. y 6ª., tit. 23, lib. 10, N. R. y 15, tit. 10 lib. 11 de la misma; no há lugar á la entrega de documentos originales que solicita esta parte: y en cuanto á la confronta en presencia del agente de los interesados y del Señor Ministro Americano, practiquese, limitándola á los documentos de que *se trata, y nada mas.*

Lo proveyó el S. Juez primero de lo civil de esta capital, Don Antonio Madrid, y firmo; doy fé.

MADRID.

En el mismo dia presente en el oficio el Lic., D. Emilio Pardo le hice saber el anto que antecede, de que entendido dijo lo oye y concurrirá á la confronta segun se ha mandado: y firmó doy fé.

JUAN NAVARRO.

Lic., PARDO.

Yo el Ynfrascripto Escribano, Certifico: que en esta fecha concurrieron á la oficina de mi cargo el Exmo. Señor Ministro de los Estados Unidns de América, Don Juan Forsyth, el Señor Consul de S. M. B., Don Fredrico Glennie, Don Juan P. Brodie, y el Licenciado Don Emilio Pardo á quines doy fé conoszo, y en cumplimiento de lo mandado en el auto del dia de ayer que antecede se procedió al Cotejo de la precedente copia espedida en veinte de Abril del corriente año, con las originales que obran en el respectivo protocolo y se presentaron á la vista de dichos Señores: y hecho dicho Cotejo, se encontró la diferencia de faltar en la copia las palabras siguientes que se hallan en el original y son. A la foxa sétima de dicha copia en la undécima linea ó renglon faltan despues de la palabra, *Pánfilo Solis*, las siguentes: "*Sacose de su registro hoy dia de su otorgamiento en cuatro foxas del papel correspondiente: doy fé. Un signo.=Pánfilo Solis.*" A la foxa trece vuelta de la men-

cionada copia en la linea ó renglon vigesima primera despues de la palabra, *adeude*, faltan igualmente las siguientes: "*Los costos de esta escritura serán de cuenta de ambos contrayentes por mitad.*" Siendo la única diferencia que se encontró despues del escrupuloso cotejo y confrontacion que se hizo por los Señores Brodie y Pardo, á presencia del Exmo. Señor Ministro y Señor Ministro y Señor Consul antes citados.

Y para constancia y en testimonio de verdad, espido la presente en la Ciudad de México, á treinta de Julio de mil ochocientos cincuenta y ocho; siendo testigos Don Manuel Velazco, y Don Pedro Navarro de esta vecindad. Doy fé.

JUAN NAVARRO,
Escribano Público.

El que suscribe oficial 1°. del Ministerio de Justicia Negocios Eclesiasticos é Instruccion Pública, y mayor honorario del mismo con ejercicio de decretos.

Certifico: Que la firma y signo que anteceden
[SELLO.] son del Escribano Público, D. Juan Navarro, y los mismos que acostumbra y usa en todos los documentos que autoriza.

México, Agosto dos, de mil ochocientos cincuenta y ocho.

MARIANO ALEGRIA.

[Derechos, 4 pesos.]

José Miguel Arroyo, Yntendente honorario de Ejercito y oficial mayor 1°. del Ministerio de Relaciones Esteriores.

Certifico: Que Don Mariano Alegria es oficial
[SELLO.] 1°. del Ministerio de Justicia Negocios Eclesiásticos é Instruccion Pública y mayor honorario del mismo con ejercicio de decretos, en la República Mexicana, y la anterior firma es la suya que usa en los documentos que autoriza.

México, Agosto 4, de 1858.

J. MIGUEL ARROYO.

[Derechos, 4 pesos.]

LEGATION OF THE U. S. OF AMERICA,
MEXICO, August 4th, 1858.

The undersigned, Minister of the United States of America, for the Republic of Mexico, do hereby certify that the signature

of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have hereunto set my hand,
[L. S.] and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

EXTRACTOS *de la Memoria que Don José Maria Lafragua, Ministro de Relaciones Ynteriores y Exteriores, leyó al Congreso Constituyente es* 14, 15, *y* 16, *de Diciembre, de* 1846, *y de la Memoria de Vicente Segura, Presidente de la Junta de Fomento de Mineria, pasada al Ministerio de Relaciones Esteriores en* 17 *de Noviembre del mismo año:*

[P. 65.]

* * "En el Estado de San Luis Potosi, se hallan en proporcion los metales que se benefician, y el azogue que se estrae, y en la Alta California se ha descubierto un criadero, cuya ley sobrepuja á la de la mejor mina que se conoce, la de Almaden, la cual no produce mas de un trece por ciento, cuando la nuestra, en los ensayos practicados en en el Colegio de Mineria de este Capital, sube á un treinta y cinco y medio por ciento." * *

[P. 66.]

* * "Yo recomiendo al Soberano Congreso que fije su atencion en este ramo, haciendo de la esplotacion de nuestro azogue, una verdadera empresa nacional, cuya importancia no se puede encarecer demasiado, bien sea creando un fondo, ó bien dictando otras medidas oportunas." * *

[P. 118.]

NUM. 52.

"SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

Exmo. Señor:—En cumplimiento de la superior orden de V. E. de 3 del presente, contraida á que esta Junta le dé cuenta de

los asuntos confiados á su cuidado desde la época en que la hizo en el año de 1845, y del estado que guardan actualmente, con el objeto de tenerlos á la vista, al hacer la Memoria que debe presentar al Congreso General de la Nacion, tan luego como se instale, ella tiene el honor de elevar á V. E. una sencilla relacion histórica del giro de los negocios mas importantes, de que se ha ocupado en estos dos últimos años, y de la situacion en que hoy se encuentran, con las reflexiones é indicaciones que ha creido convenientes al mejor desempeño y mas fiel cumplimiento de sus deberes." * *

[P. 136.]

* * * "La Junta en 21 de Abril, próximo pasado, pasó á la facultativa del Colegio unas muestras de Cinabrio que presentó Don Tomás Ramon del Moral á nombre de Don Andres Castillero, vecino de la Alta California, con una esposicion en que pide se le auxilie para trabajar una mina que ha descubierto en la Mision de Santa Clara, conocida por los antiguos Indios, quienes sacaban de ella el bermellon para pintarse el cuerpo. Hecho el ensaye por el profesor de química, resulta que los metales en comun produjeron la estraordinaria ley de 35½ por ciento, lo que se participó al Gobierno en 5 de Mayo, manifestándole que se habia preguntado al Señor Castillero cuales eran los auxilios que necesitaba de la Junta.

Este Señor presentó su solicitud en forma, y examinada muy detenidamente por la Junta, hizo sus proposiciones, en que esta convino, reducida á que se le franqueasen por entonces cinco mil pesos en numerario, ocho retortas de fierro, de las que mandó hacer la Junta para que sirviesen en los reconocimientos hechos anteriormente, y todos los frascos para azogue que tiene en la Negociacion de Tasco. El Señor Castillero se obligó por su parte á entregar dicha anticipacion en azogue, á razon de cien pesos quintal dentro de seis meses de su salida en el puerto de Mazatlan. Este convenio fué aprobado por el Supremo Gobierno en 20 del mismo; pero á virtud de la declaracion hecha por los Estados Unidos del Norte, cuando iba ya á recibir la libranza sobre Mazatlan, el Ministerio pasó la órden de 19 de Setiembre de este año, mandando suspender todo pago del ramo de azogues, á escepcion de los gastos alimenticios del Colegio y la Oficina." * * *

[P. 146.]

* * * "No es la ocasion de presentar reunidos todos los trabajos de la Junta, para corresponder á la alta confianza con que la honró el Gobierno. Una parte de ellos van especifica-

dos en la presente nota, y las demás se hallan consignados en las memorias, informes, y multitud de comunicaciones que obran en ese Ministerio. Por ahora unicamente se reducirá á asegurar lo que consta de esos documentos, á saber: que el espíritu de empresa se llegó á estimular en términos de estarse esplotando minas de azogue en los principales Departamentos de la República, ya por compañias, y ya tambien por particulares; que en el de San Luis Potosi, el azogue que se estrae está en proporcion de la plata que se beneficia, en términos de no necesitarse del estrangero; que en la Alta California, en el presidio de Santa Rosa, ha llegado á descubrirse un gran criadero, por el Señor Don Andres Castillero, cuyas leyes son verdaderamente sorprendentes; pues resulta de los ensayos practicados en el Colegio de Mineria que la que dan los frutos comunes, sube á un 35½ por ciento, cuando los de la mejor mina que se conoce, que es la de Almaden, no pasa de un 13 por ciento; y en fin, que por todos los datos que se han reunido, se puede esperar, descansando en muy buenos fundamentos, que nuestros criaderos de azogues son mas que suficientes para habilitarnos de todo el que se necesita para el beneficio de nuestras platas.

Esta gran empresa nacional, la Junta no ha podido llevarla á cabo, porque se le privó de uno de sus fondos del 1 por ciento de la circulacion de la moneda sin sustituirle otro, porque, del que le restaba, solo ha podido disponer de menos de una tercera parte, pues el Gobierno en los apuros del erario, ha usado de los restantes. El mal se ha agravado hasta el estremo lamentable de quedarse sin ninguno, por la órden de 10 de Mayo ultimo, que mandó suspender todos los pagos que se hacian por la hacienda pública. Los resultados funestos de tales determinaciones, la junta no se detendrá á pormenorizarlos; ellos se hacen patentes por lo hasta aqui manifestado."

* * * * * * * *

La junta se honru al presentar á V. E. su mas alta consideracion, mas distinguido aprecio, y mas profundo respeto.

Dios y Libertad. México, Noviembre 17, de 1846.

VICENTE SEGURA, Presidente.

Por ocupacion del Secretario,

YSIDRO GONDRA, Oficial Primero.

[TRANSLATIONS.]

OFFICE OF THE SECRETARY OF THE MINING JUNTA.

A. D. 1846.

No. 168.

Don Andres Castillero solicits aid for the encouragement of the Quicksilver Mine which he has discovered in the Mission of Santa Clara, in Upper California.

BUREAU OF FOMENTO QUICKSILVER:—

Excellent Sir:—Señor Don Tomas Ramon del Moral having presented to the junta some specimens of cinnabar from the mission of Santa Clara, in California, which Don Andres Castillero sends him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise, has the honor of transmitting to your Excellency said specimens, with the view that the proper assays of the cinnabar should be made in the laboratory of that college, letting the junta know, without delay, the result.

And with this motive the junta has the honor to repeat to your Excellency the protestations of its consideration and esteem.

God, etc., April 21, 1846.

To his Excellency, General Don José M. Tornel, Director of the National College of Mining.

OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California on an object of public service, tells me, in letters written from the mission of Santa Clara on the nineteenth and twenty-second of February, of this year, that which follows:

"At the distance of five leagues from this mission, to the west, I have discovered and denounced a very abundant mine of quicksilver, and to confirm my truth, I send you some ores of those which have been taken from the top of the vein; a little quicksilver also goes, which we have taken out with the greatest facility. The Señor Director of the College of Mining,

Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ore taken out, within one year, with the protection of the Supreme Government, the Republic will not need quicksilver from foreign parts. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coasts of the bay of San Francisco, so that the steamers, sending out their boats, may load all that they require; this discovery was made by Colonel Juan B. Alvarado; the rock crystal is a very large hill."

[Copy.] Mexico, April 13, 1846.

J. J. DE HERRERA.

Señor Director of the College of Mining, Don Ramon del Moral.

MISSION OF SANTA CLARA,
February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how devoted I am to the branch of mining, and intent upon finding a good mine of quicksilver; I have discovered a most abundant deposit. With this I send to his Excellency, the President, some ores of cinnabar, and a little quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the touchhole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all the family retain good health; and, as much as you please, command

Your Obedient Servant, etc., etc.,

ANDRES CASTILLERO.

DIRECTION OF THE NATIONAL
COLLEGE OF MINING.

Received the third day of this present May.
V. SEGURA.

Don Tomas Ramon del Moral, President of the Junta of Encouragement of the National College of Mining, in an official communication of the 24th ultimo, says to me as follows:

May 4th, 1846. Let it be transmitted to the government manifesting that the communication was only received yesterday.

"Excellent Sir:—The Junta Facultativa having examined the documents which your Excellency referred to on the 21st of the present month, relative to a deposit of cinnabar discovered in California by Señor Don Andres Castillero, and an other of coal in the bay of San Francisco, has the honor to inform your Excellency that the specimens sent by said Castillero, were deposited, some in the Mineralogical Cabinet, and others assayed by the Professor of Chemistry, Don Manuel Herrera. The assay gave a ley of thirty-five and a half per cent., a mixture of the different specimens having been taken to make the assay, for there are some so rich that they are pure cinnabar. The junta believes that Señor Castillero has, by such an important discovery, made himself deserving of the efficacious protection of the Supreme Government, and of the Junta for the Encouragement of Mining, and is persuaded that your Excellency will interpose all your influence to the effect that this individual may receive a proof that the Supreme Government knows how to distinguish and reward those citizens who contribute to the prosperity of the country. And with this motive I repeat to your Excellency the considerations of my esteem and respect."

And I have the honor to transmit it to your honors as the result of your dispatch on the matter.

God and Liberty. Mexico, April 29, 1846.

JOSE MARIA TORNEL.

To the President and Members of the Junta for the Encouragement of Mining, of the National College of Mining.

Excellent Sir:—Professor Don Tomas Ramon del Moral, having presented to this junta some specimens of cinnabar from the mission of Santa Clara, in Upper California, which Don Andres Castillero sent him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise; said specimens were immediately sent to his Excellency, the Director of the College, that the proper assays might be made. His Excellency, in an official communication of the 29th of last month, received yesterday, says to me that which follows:

"Señor, etc., etc., to, on the matter."

The junta, on inclosing the foregoing communication to your Excellency, has the honor to inform you that it has already

asked Señor Castillero what kind of aid or protection he needs for the encouragement of his brilliant enterprise, congratulating the Supreme Government on a discovery, which, if it meets from the beginning with all the protection it deserves, may change completely the aspect of our mining, freeing it from necessity, which it has been until now, of foreign quicksilver. With this motive the junta takes advantage of the opportunity to inform your Excellency that, as on the 24th of this month, the bounty terminates which the law granted, of five dollars premium on each hundred weight of quicksilver extracted from the mines of the nation. The mines of Guadalcazar have proved to date that they have taken out 1,575 quintals from December, 1844, to the end of March last, which result exceeds the calculation, which, until now, has been made, that the product of this mineral was a hundred quintals per month.

The junta, with this motive, reiterates to your Excellency the assurance of its distinguished consideration and esteem.

God, etc. May 5, 1846.

To His Excellency the Minister of Justice.

No. 573.

Communicates information of the discovery of a deposit of cinnabar in the presidio of Santa Clara, in Upper California, the assays of which have produced the highest ley ever seen, and with this motive communicates the result of the quantity of quicksilver extracted until the end of March in Guadalcazar.

MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

Most Excellent Sir:—By your Excellency's note of the 5th inst., and copies which you were pleased to transmit therewith, his Excellency, the President *ad interim* of the Republic, learns with satisfaction that in the mission of Santa Clara, of Upper California, Señor Don Andres Castillero has discovered a deposit of cinnabar of excellent quality, according to the assays made in that college, and that said Señor Castillero has been asked by that junta what kind of assistance he needs to encourage his brilliant enterprise. His Excellency is likewise informed of that which the junta reports relative to the quantity of quicksilver extracted from the mines of Guadalcazar, the result of which has exceeded the calculations which were made. This is what I have the honor to say to your Excel-

lency in answer, repeating to you with this opportunity the assurances of my consideration and esteem.

God and Liberty. Mexico, May 9, 1846.

BECERRA.

His Excellency, Don Vicente Segura,
President of the Junta for the Encouragement of Mining.

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

No. 575.

Accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discovered in the Mission of Santa Clara, in Upper California.

Most Excellent Sir:—As this junta had the honor to inform your Excellency on the 5th instant, in number 573, Señor Don Andres Castillero has directed to it a petition, the original of which it has the pleasure to transmit herewith, regarding the assistance which he needs for the new discovey of the quicksilver mine in the mission of Santa Clara, in the Department of Californias. The junta has no hesitation in recommending said petition to your Excellency, for, being persuaded of the great importance of the enterprise, it considers it entitled to all the protection of the Supreme Government, and also the particular circumstances of that department, and the just desire which his Excellency, the President, has shown to preserve the integrity of the national territory, render it worthy of the greatest consideration. The junta is consequently of opinion that there should be immediately furnished to Señor Castillero the sum of five thousand dollars, in the terms he proposes; that it should be authorized to furnish him with the iron retorts and flasks belonging to it, and the other thousand dollars which can be employed in the construction of retorts, cylinders, and other small apparatus of distillation for said mine; although the law authorizing the junta to make loans for the encouragement of deposits of quicksilver, exacts a premium of five per cent. per annum on the capital loaned, it cannot be doubted that the proposal of Señor Castillero to pay the five thousand dollars with fifty quintals of quicksilver placed in Mazatlan at the disposition of the junta, at the rate of one hundred dollars each, and in the term of six months, offers greater advantages to the fund than the said interest. The urgency shown by Señor Castillero to undertake his journey to that department, and that which his so doing may contribute, under present circumstances, toward the preservation of the national territory, is, in the opinion of

the junta, a sufficient motive to leave, until a more opportune occasion, the formation of a contract of partnership, or of *avio* for the encouragement of said mine. It remains, then, to show to your Excellency that although the possession given to Señor Castillero, by the local authorities of California, has not been in conformity with the ordinance, inasmuch as there have been granted him *pertenencias* to the extent of three thousand varas, which are equivalent to fifteen *pertenencias*, agreeably to the second article of the eighth title; yet it is necessary to consider that he has in his favor the qualification of being discoverer *of an absolutely new hill, in which there was no mine open*, and to such there is granted in the first article of the sixth title, *three pertenencias, either continuous or interrupted; and if he shall discover other veins, one* (*pertenencia*) *in each of them.* He has also in his favor the circumstance that he works it in company with others, to whom there is granted that without prejudice to the right which they may have by the title of discoverers, when they are such, they may denounce four new *pertenencias*, even though they are contiguous and in the same direction; but that which is most worthy of consideration is, that Californias, being a frontier department, and frequently threatened by the emigrants from the United States of the north, and by the new colonists of Oregon, it seems proper to grant to the first mine discovered in a department so extensive, a greater number of *pertenencias*, which view is corroborated by the reason found at the end of the eighth title, article 1st, which says: "Considering that the limits established in the mines of these kingdoms, to which those of New Spain have, until now, been made to conform, are very contracted in proportion to the multitude, abundance, and richness of the metallic veins which the goodness of the Creator has been pleased to grant to those regions, I order and command that in mines which may hereafter be discovered in a new vein, or without neighbor, these measurements be observed. 2d. Along the thread, direction, or course of the vein, be it of gold, silver, or any other metal, I grant to every miner, without distinction of the discoverers,(who have their reward already assigned to them,) two hundred Castilian varas, called *varas de medir*, measured on a level." Lastly, in the first article, eleventh title, there are expressed these terms: "And because the capital of a single individual may not be sufficient for great undertakings, while that of all the partners may be, I will command that such companies be encouraged, promoted, and protected by all convenient measures, my Viceroy granting to those who may form such, every favor, aid, and exemption which can be granted them, according to the judgment and

discretion of the Royal Tribunal of Mines, and without detriment to the public, or to my royal treasury." In reference to the ownership of two square leagues, which Señor Castillero solicits, as a colonist, upon the surface of his mining property, for the purpose of supplying himself with the firewood necessary for the reduction of ores, (beneficio,) not having the necessary information on the matter, of which the Supreme Government has abundance, his Excellency, the President, will decide as he may think proper. In this view the junta, in sending up to your Excellency the petition of Señor Castillero, has no hesitation in recommending it very efficaciously on account of the vital importance of the undertaking, its incredible influence upon the general good and prosperity of the republic. The junta has the honor, on this occasion to repeat to your Excellency the assurance of its distinguished esteem and consideration.

God and Liberty. Mexico, May 14, 1846.

His Excellency, the Minister of Justice and Public Instruction.

I, Andres Castillero, resident and miner in the department of Upper California, before your Excellency and your Honors, as I best may proceed, say: that having discovered in the mission of Santa Clara a mine of quicksilver, of *leys* certainly as rich as were ever seen before, not only in the republic, but perhaps in all the world, as proved by the assays made by order of the Junta Facultativa of the College of Mining, which, mixing together all the specimens I brought, from the best to the worst, have given a result of thirty-five and a half per cent.; while there have been specimens of the best kind which must produce much greater *leys*, I see myself in a condition to satisfy my desires in favor of the progress of my country, of benefiting exclusively Mexicans by the flattering and well founded hopes which such a discovery offers. In virtue of this, I have denounced and taken possession not only of said mine, named Santa Clara, but also of an extent of three thousand varas in all directions from said point. I have formed a company to work it. I have constructed the pit, and complied with all the conditions prescribed by the ordinance; the mine yielding ore with the notable circumstance that the specimens which I brought, and which have been assayed, have been taken out of the mouth. It would have been very easy for me to have given the necessary extension to the negotiation by accepting the repeated and advantageous offers which have been made to me by several foreign houses in California; but as the undertak-

ing does not require that kind of assistance, which would result in advantage to foreigners when it may be entirely national; and I have not, for that reason, hesitated to apply to your Excellency and your Honors, to obtain the small and only resources which I need. These are reduced to a small advance of five thousand dollars in money, in consideration of the excessive scarcity of coin in that department, and the quick remittance to it of retorts, cylinders, and other small distilling apparatus, as also iron flasks, for bottling up the quicksilver. I would have proposed a contract of partnership to the junta, an *avio*, or some other agreement, if there had been time to be able to furnish the proofs and details which would be required for said contracts, but being under promise to the Supreme Government to leave this capital within a few days, I find it necessary to restrict myself to that which appears to present no difficulty, and which may open a way to new future agreements. I am well persuaded that the junta will accede to my request so far as may be within its powers, and that it will send up to the Supreme Government with a recommendation that which may require the decision of the latter. My propositions, then, are the following:

First. The junta, in the act of approving the agreement, will give me a draft for five thousand dollars on some mercantile house in Mazatlan.

Second. On my part, I bind myself to place in said port, within six months after leaving it, fifty quintals of quicksilver, at the rate of one hundred dollars each, which I will send from the first taken out, with absolute preference over every other engagement.

Third. The junta will order that there be placed at my disposition, before leaving the capital, the eight iron retorts which it has in its office, and all the quicksilver flasks which can be found in the *negotiation* of Tasco, which are fit for use; and lastly, it will deliver to Señor Don Tomas Ramon del Moral, my attorney, the sums to pay for the retorts, cylinders, and other kinds of small apparatus which may be ordered to be made for the *negotiation*, to the amount of one thousand dollars.

Fourth. I will receive the retorts of the junta at cost price, and the flasks which I may select, at two dollars a piece, agreeably with their valuation.

Fifth. The ascertained value of said retorts and flasks, and that of the sums which may be delivered to Señor Moral, I will repay in the term of one year from this agreement, and also the premium on the draft on Mazatlan, in quicksilver, placed in said port at the price of one hundred dollars the quintal; but if the junta should wish to take one or more *ac-*

ciones in the mine, it shall be left as a part payment of the sum corresponding to one or more *barras*.

Sixth. While the company is being formed, during the period of one year, counted from the date on which this agreement shall be approved, and the five thousand dollars spoken of in the first proposition being paid, I will give the preference to the junta in the sale of the quicksilver placed in Mazatlan, at the rate of one hundred dollars the quintal.

Seventh. The junta shall represent to the Supreme Government the necessity of approving the possession which has been given me of the mine by the local authorities of Californias, in the same terms as those which I now hold it.

Eighth. It shall also represent the advantage of there being granted to me, as a colonist, two square leagues upon the land of my mining possession, with the object of being able to use the wood for my burnings.

Ninth. For the compliance of this contract, I pledge the mine itself and all its appurtenances.

The subscriber submits this petition to the deliberation of the junta, which, if accepted, may be made into a formal contract, and made legal in the most proper manner.

God, etc. May 12th, 1846.

ANDRES CASTILLERO.

Copy. Mexico, May 12th, 1846.

YSIDRO R. GONDRA.

MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

Most Excellent Sir:—Having reported to his Excellency, the President *ad interim* of the republic, your Excellency's note of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered in the mission of Santa Clara, in Upper California: his Excellency has been pleased to approve, in all its parts, the agreement made with that individual, in order to commence the working of said mine, and on this day the corresponding communication is made to the Minister of Exterior Relations and Government, to issue the proper orders respecting that which is contained in the 8th proposition for the grant of lands in that department.

I repeat to your Excellency the assurance of my esteem. God and Liberty. Mexico, 20th May, 1846.

BECERRA.

To His Excellency, D. Vicente Segura, President of the Junta for the Encouragement of Mining.

OFFICE OF THE SECRETARY OF THE ADMINISTRATION OF THE MINING FUND.

I, Manuel Couto, Secretary of the Administration of the Mining Fund of this capital, and in charge of the archives of the same office, in virtue of the decree of 28th June, 1852, do certify that the foregoing twenty-four pages, numbered by me from one to twenty-four inclusive, of transparent paper, are a true and exact copy or tracing of an expediente which exists and forms a part of the archives of this office, entitled "Secretary's Office of the Mining Junta, 1846. Number 168. Don Andres Castillero solicits aid for the encouragement of the quicksilver mine which he has discovered in the mission of Santa Clara, in Upper California. Bureau of Encouragement Quicksilver."

In testimony whereof, I give these presents, under my hand, this 24th of May, 1858.

MANUEL COUTO, Secretary.

I, Vicente Segura, Administrator of the Mining Fund, do certify that Don Manuel Couto, whose name appears in the foregoing certificate, is Secretary of this administration, and in charge of the archives of said office of Mineria, to which archives belongs the aforesaid expediente, that said Couto is in the exercise of the office of the Secretary at the date of his certificate, that his signature thereto is true and deserving of full faith and credit.

[L. S.] In testimony whereof, I give this present, under my hand and the seal of this office, in the city of Mexico, this 24th May, 1858.

VICENTE SEGURA.

[L. S.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and

Commerce, do certify that Don Vicente Segura and Don Manuel Couto, are, the former Administrator, and the latter Secretary of the same Administration of the Mining Fund, appertaining to the National College of Mines, which is under the inspection of this ministry. I likewise attest that the archives of said college are in charge of the Secretary, and finally, that the signatures appended to the two foregoing certificates are those used by these gentlemen, and that the seal affixed to their certificates is the true seal of the office in which they are employed.

In testimony of which I give this present, signed by me, and sealed with the seal of the ministry in Mexico (the 30th April,) 1858. Read 24th May.

[L. S.]

P. ALMAZAN.

No. 72.

J. Miguel Arroyo, honorary Intendent of the Army and first Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic, do certify that Don Pascual Almazan is at present Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, in said Republic, and that the foregoing signature is his own, and that which he uses in documents authenticated by him.

[L. S.]

[L. S.] Mexico, May 26th, 1858.

J. MIGUEL ARROYO.

[Dues 4 dollars]

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 27th, 1858.

The undersigned, Minister of the United States of America for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law, to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have hereunto set my
[L. S.] hand, and affixed the seal of this Legation, the day and year above-mentioned.

JOHN FORSYTH.

I, John Forsyth, Minister of the United States for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July past, I was present at the office of the Junta de Mineria, when and where there was produced from the archives of said office, an "expediente," with which, on being carefully compared by John P. Brodie and the Licentiate Emilio Pardo, the foregoing copy proved to be absolutely alike, and correct in every respect, and without any difference whatever. The undersigned, in like manner, certifies that Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, who also assisted at said comparison, after a close examination of said expediente, acknowledged, in the presence of the undersigned, that the communication of the Minister of Justice, dated 20th May, 1846, which appears in the same, is in his own proper handwriting, and was written by him on the day it bears date.

MEXICO, 4th August, 1858.

JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul, at Mexico, do hereby certify, that on the forenoon of the thirtieth day of July now last past, I was present at the office of the "Junta de Mineria," in this city, when and where there was produced from the archives of said office an "expediente" with which, on being carefully examined by John P. Brodie and the Licentiate Emilio Pardo, the foregoing copy was found and proved to be absolutely alike, and correct in every respect, and without any difference whatever; and I do further certify, that Don Teodoro Sotomayor, Clerk in the Ministry of Justice and Public Instruction, who also assisted at said comparison, after a close examination of said "expediente," declared in my presence that the communication of the Ministry of Justice, dated 2d May, 1846, which appears in the same, is in his own proper handwriting, and was written by him on the day of the date thereof.

In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August,

in the year one thousand eight hundred and fifty-eight. Having put my pen through "d" in the fifth line of this attestation before affixing my signature hereunto.

[L. S.]

F. GLENNIE.
H. B. M.'s Consul.

MINING JUNTA AND ADMINISTRATION OF MINING.

April 23, 1846. Transmit to the Junta Facultativa of the College, with preference. TORNEL.

Excellent Sir:—Señor Don Tomas Ramon del Moral having presented to the junta some specimens of cinnabar from the mission of Santa Clara, in Californias, which Señor Don Andres Castillero sends him, together with the annexed copies, with the object of inciting the Supreme Government that it may be pleased to aid so important an enterprise, has the honor of transmitting to your Excellency said specimens, with the view that the proper assay of the cinnabar should be made in the laboratory of that college, letting the junta know, without delay, the result.

And with this motive the junta has the honor to repeat to your Excellency the protestations of its considerations and esteem.

God and Liberty. Mexico, April 21st, 1846.

VICENTE SEGURA, President.

The Secretary being occupied,

YSIDRO R. GONDRA, First Clerk.

To His Excellency, General Don José Maria Tornel, Director of the National College of Mines.

OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California on an object of public service, tells me, in letters written from the mission of Santa Clara on the 19th and 22d of February of this year that which follows:

"At the distance of five leagues from the mission, to the west, I have discovered and denounced a very abundant mine of quicksilver, and, to confirm my truth, I send you some ores

which have been taken from the top of the vein; a little quicksilver also goes, which we have taken out with great facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ores taken out within one year, with the protection of the Supreme Government, the republic will not need quicksilver from foreign parts.

I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coast of the bay of San Francisco, so that the steamers, sending out their boats, may load all that they require. This discovery was made by the Colonel, Don Juan B. Alvarado. The rock crystal is a very large hill."

Copy. Mexico, April 13, 1846.

J. J. DE HERRERA.

Copy. Mexico, April 21, 1846.

YSIDRO R. GONDRA, First Clerk.

OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

Señor Director of the College of Mining, Don Ramon del Moral.

MISSION OF SANTA CLARA, February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how devoted I am to the branch of mining, and intent upon finding a good mine of quicksilver; I have discovered here a most abundant deposit. With this I send to his Excellency, the President, some ores and a little quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the touchhole stopped with clay, and the muzzle put in water; in this manner, it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all your family retain good health; and, as much as you please, command

Your Obedient Servant, etc., etc.,

ANDRES CASTILLERO.

[Copy.] Mexico, April 21, 1846.

YSIDRO R. GONDRA, First Clerk.

Joaquin Velasquez de Leon, Director of the National College of Mines of this Capital, do certify that, in the archives of this College, in my charge and custody, there exists an original communication from Señor Don Vicente Segura, President of the Junta for the Encouragement and Administration of Mining, and copies of two letters accompanying the same, relating to the discovery of a quicksilver mine in California by Don Andres Castillero. I further certify that the foregoing and annexed six pages, numbered by me in red ink from the number 1 to 6 inclusive, are a true and exact copy, or tracing, of said documents, which exist and constitute a part of the archives of this office under my charge.

In testimony whereof, I give this present, under my hand, without official seal, this office not having any.

Mexico, May 24, 1858.

JOAQUIN VELASQUEZ DE LEON.

—

[L. S.] The undersigned, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce of the Mexican Republic do certify that Don Joaquin Velasquez de Leon is Director of the National College of Mining, which is under the inspection of this ministry. I likewise attest that the archives of the college are, at the present time, in the charge of said director, and that the signature of Joaquin Velasquez de Leon is his true signature.

In testimony of which I give this present, signed by my hand, and with the seal of this Ministry, this twenty-fifth day of May, one thousand eight hundred and fifty-eight.

P. ALMAZAN. [L. S.]

—

No. 71.

[L. S.] José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic:

Do certify that Don Pascual Almazan is, at this present time, Chief Clerk of the Ministry of Encouragement, Colonization, Industry, and Commerce, and that the foregoing signature is his, and that which he uses in documents authorized by him.

Mexico, May 26, 1858.

[L. S.] J. MIGUEL ARROYO.

[Dues, four dollars.]

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 27th, 1858.

The undersigned, Minister of the United States of America, for the Republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have hereunto set my hand,
[L. S.] and affixed the seal of this Legation, the day and year above written.

JOHN FORSYTH.

I, John Forsyth, Minister of the United States of America for the Republic of Mexico, do hereby certify, that on the forenoon of the 30th July last, I was present at the College of Mines (Colegio de Mineria) where Don Joaquin Valasquez de Leon, principal or director of said college, produced an expediente, with which, on being compared by John P. Brodie and the Licentiate Emilio Pardo, assisting at said comparison, Frederick Glennie, Esq., H. B. M.'s Consul, the aforesaid Don Francisco Valasquez de Leon, and the undersigned, the foregoing copy of said expediente proved to be exact and correct in every respect.

MEXICO, 4th August, 1858. JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the forenoon of the thirtieth day of last July, I was present at the College of Mines in this City, (Colegio de Mineria) where Don Joaquin Valasquez de Leon, director of said college, produced an "expediente," with which, on being carefully examined and compared by John P. Brodie and the Licentiate Emilio Pardo, in the presence of John Forsyth, Esq., Minister of the United States of America, (who assisted at said comparison,) the aforesaid Don Francisco

Valasquez de Leon, and the undersigned, the foregoing copy of said "expediente," proved to be exact and true in every respect.

[L. S.] In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

F. GLENNIE,
H. B. M.'s Consul.

MINISTRY OF JUSTICE AND PUBLIC INSTRUCTION.

A. D. 1846.

The Junta for the Encouragement of Mining informs that Don Andres Castillero has discovered, in the Mission of Santa Clara, in Upper California, a deposit of cinnabar, of excellent quality, and accompanies the petition of said person, in which he solicits supplies (avio) for the working of said mine.

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

No. 573.

Communicates the discovery of a deposit of Cinnabar, made in the Presidio of Santa Clara, Lower California, the assays of which have yielded the highest ley known, and with this motive communicates the result of the quantity of quicksilver extracted untill the end of March in Guadalcazar.

May 9th, 1846. Noted, with satisfaction the discovery, and of having asked already of Señor Castillero the kind of resources he requires. Noted, also, the statement given of the quicksilver extracted by the miners of Guadalcazar.

Most Excellent Sir:—Professor Don Tomas Ramon del Moral having presented to this junta some specimens of cinnabar from the mission of Santa Clara, in Lower California, which Don Andres Castillero sent him, together with the annexed copies, with the object of inciting the Supreme Government, that it may be pleased to aid so important an enterprise; said specimens were immediately sent to his Excellency, the Director of the College, that the proper assays might be made. His Excellency, in an official communication of the 29th of last month, received yesterday, says that which follows: "Señor Don Tomas Ramon del Moral, President of the Junta Facultativa of the National College of Mining, in an official communication of the 24th ult., says to me as follows: 'Most Excellent Sir—The Junta Facultativa having examined the documents which your Excellency referred to on the 21st of the present month, relative to a deposit of cinnabar discovered in California by Señor Don

Andres Castillero, and another of coal on the bay of San Francisco, has the honor to inform your Excellency that the specimens sent by said Señor Castillero, were deposited some in the Mineralogical Cabinet, and others assayed by the Professor of Chemistry, Don Manuel Herrera. The assay gave a *ley* of thirty-five and a half per cent., a mean of the different specimens having been taken to make the assay, for there are some so rich that they are pure cinnabar. The junta believes that Señor Castillero has, by such an important discovery, made himself deserving of the efficacious protection of the Supreme Government and of the Junta for the Encouragement of Mining, and is persuaded that your Excellency will interpose all your influence to the end that this individual may receive a proof that the Supreme Government knows how to distinguish and reward those citizens who contribute to the prosperity of the country.'

And with this motive, I repeat to your Excellency the considerations of my esteem and respect. And I have the honor to transmit it to your Excellencies, as the result of your dispatch on the matter."

The junta, on inclosing the foregoing communication to your Excellency, has the honor to inform you that it has already asked Señor Castillero what kind of aid or protection he needs for the encouragement of his brilliant enterprise, congratulating the Supreme Government on a discovery, which, if it meets, from the beginning, with all the protection it deserves, may change completely the aspect of our mining, freeing it from the necessity in which it has been until now, of foreign quicksilver. With this motive, the junta takes advantage of the opportunity to inform your Excellency that, as on the twenty-fourth of this month, the bounty terminates which the law granted, of five dollars premium on each hundred weight of quicksilver extracted from the mines of the nation, the miners of Guadalcazar have proved that they have taken out one thousand five hundred and seventy-five quintals, from December, eighteen hundred and forty-four, to the end of March last, which result exceeds the calculation, which, until now, had been made, that the product of this mineral was one hundred quintals per month. The junta, on this occasion, reiterates to your Excellency the assurances of its distinguished consideration and esteem.

God and Liberty. Mexico, May 5, 1846.

VICENTE SEGURA,
President.

The Secretary being occupied,

YSIDRO R. GONDRA,
Chief Clerk.

To His Excellency, the Minister of Justice.

OFFICE OF THE SECRETARY OF THE JUNTA FOR THE ENCOURAGEMENT OF MINING.

Señor Don Andres Castillero, commissioned last year by the Supreme Government to pass to California on an object of public service, tells me, in letters written from the mission of Santa Clara on the nineteenth and twenty-second of February, of this year, that which follows:

"At the distance of five leagues from this mission, to the west, I have discovered and denounced a very abundant mine of quicksilver, and to confirm my truth, I send you some ores of those which have been taken from the top of the vein; a little quicksilver also goes, which we have taken out with the greatest facility. The Señor Director of the College of Mining, Don Ramon del Moral, will receive much pleasure in seeing equaled the ores of Almaden. From the width of the vein, and the abundance of ore taken out, within one year, with the protection of the Supreme Government, the republic will not need quicksilver from foreign parts. I send you some trifles made by the Indians of the northwest, and products of this country. Coal is very abundant, and is found on the coasts of the bay of San Francisco, so that the steamers, sending out their boats, may load all that they require; this discovery was made by Colonel Don Juan B. Alvarado; the rock crystal is a very large hill."

[Copy.] Mexico, April 13, 1846.

J. J. DE HERRERA.

Señor Director of the College of Mining, Don Ramon del Moral:

MISSION OF SANTA CLARA,
February 19, 1846.

My Esteemed Friend and Appreciated Sir:—You know how devoted I am to the branch of mining, and intent upon finding a mine of quicksilver, I have discovered a most abundant deposit. With this I send to his Excellency, the President, some ores of cinnabar, and a little quicksilver. We are forming a furnace, and have assayed said metal in a musket barrel, the

touchhole stopped with clay, and the muzzle put in water; in this manner it has given us thirty per cent. I would esteem it a favor if you would take the trouble, for the sake of the public good, to cause this ore to be assayed, as this operation depends upon your work. May you and all your family retain good health; and, as much as you please, command

Your obedient Servant, etc., etc.,

ANDRES CASTILLERO.

[Copies.] Mexico, 5th May, 1846.

YSIDRO R. GONDRA, Chief Clerk.

Most Excellent Sir:—By your Excellency's note of the 5th inst., and copies which you were pleased to transmit therewith, his Excellency, the President *ad interim* of the republic, learns with satisfaction that in the mission of Santa Clara, of Upper California, Señor Don Andres Castillero has discovered a deposit of cinnabar of excellent quality, according to the assays made in that college, and that said Señor Castillero has been asked by that junta what kind of assistance he needs to encourage his brilliant enterprise. His Excellency is likewise informed of that which the junta reports relative to the quantity of quicksilver extracted from the mines of Guadalcazar, the result of which has exceeded the calculations which were made. This is what I have the honor to say to your Excellency in answer, repeating to you with this opportunity the assurance of my consideration and esteem.

God and Liberty. Mexico, May 9, 1846.

BECERRA.

His Excellency. Don Vicente Segura,
President of the Junta for the Encouragement of Mining.

JUNTA FOR THE ENCOURAGEMENT AND ADMINISTRATION OF MINING.

No. 575.

Accompanies with recommendation the petition of Andres Castillero, for the encouragement of the quicksilver mine which he has discov-

Most Excellent Sir:—As this junta had the honor to inform your Excellency on the 5th instant, in number 573, Señor Don Andres Castillero has directed to it a petition, the original of which it has the pleasure to transmit herewith, regarding the assistance

ered in the Mission of Santa Clara, in Upper California.

May 20, 1846.

Granted in the terms which are proposed, and with respect to the land, let the corresponding order issue to the Minister of Relations, for the proper measures of his office, with the understanding that the Supreme Gov'nt accedes to the petition.

which he needs for the new discovey of the quicksilver mine in the mission of Santa Clara, in the Department of Californias. The junta has no hesitation in recommending said petition to your Excellency, for, being persuaded of the great importance of the enterprise, it considers it entitled to all the protection of the Supreme Government, and also the particular circumstances of that department, and the just desire which his Excellency, the President, has shown to preserve the integrity of the national territory, renders it worthy of the greatest consideration. The junta is consequently of opinion that there should be immediately furnished to Señor Castillero the sum of five thousand dollars, in the terms he proposes; that it should be authorized to furnish him with the iron retorts and flasks belonging to it, and the other thousand dollars which can be employed in the construction of retorts, cylinders, and other small apparatus of distillation for said mine; although the law authorizing the junta to make loans for the encouragement of deposits of quicksilver, exacts a premium of five per cent. per annum on the capital loaned, it cannot be doubted that the proposal of Señor Castillero to pay the five thousand dollars with fifty quintals of quicksilver placed in Mazatlan at the disposition of the junta, at the rate of one hundred dollars each, and in the term of six months, offers greater advantages to the fund than the said interest. The urgency shown by Señor Castillero to undertake his journey to that department, and that which his so doing may contribute, under present circumstances, toward the preservation of the national territory, is, in the opinion of the junta, a sufficient motive to leave, until a more opportune occasion, the formation of a contract of partnership, or of *avio* for the encouragement of said mine. It remains, then, to show to your Excellency that although the possession given to Señor Castillero, by the local authorities of California, has not been in conformity with the ordinance, inasmuch as there have been granted him *pertenencias* to the extent of three thousand varas, which are equivalent to fifteen *pertenencias*, agreeably to the second article of the eighth title; yet it is necessary to consider that he has in his favor the qualification of being discoverer *of an absolutely new hill, in which there was no mine open*, and to such there is granted in the first article of the sixth title, *three pertenencias, either continuous or interrupted; and if he shall have discovered other veins, one (pertenencia) in each of them.* He has also in his favor the circumstance that he works it in

nounces his domicile and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And in my presence, he so executed and signed with Señor Negrete, being witnesses thereto, Don Manuel Terrazas, Don Octaviano dela Rosa, and Don Manuel Barron, residents.

I attest: ANDRES CASTILLERO.

FRANCISCO MARTINEZ NEGRETE.

NAZARIO FUENTES, Notary Public.

—

I certify and give faith that the official document which is spoken of in the foregoing writing is as follows:

MINISTRY OF EXTERIOR RELATIONS, GOVERNMENT AND POLICE.

Most Excellent Sir:—His Excellency, the Illustrious Minister of Justice, in an official communication of the 20th inst., says to me that which I copy:

"Excellent Sir:—I to-day say to his Excellency, Don Vicente Segura, President of the Junta for the Encouragement of Mining, that which follows:

'Most Excellent Sir:—Having reported to his Excellency, the President *ad interim* the note of your Excellency of the 14th inst., with which you were pleased to transmit, with a recommendation, the petition of Señor Don Andres Castillero, for the encouragement of the quicksilver mine which he has discovered in the mission of Santa Clara, in Upper California: His Excellency has been pleased to approve, in all its parts, the agreement made with that person to commence the exploration of that mine, and on this date the corresponding communication is made to the Ministry of Exterior Relations and Government, that it may issue the proper orders relative to what is contained in the 8th proposition, with respect to the granting of lands in that department.'

And I have the honor to inclose it to your Excellency, to the end that, with respect to the petition of Señor Castillero, to which his Excellency, the President, *ad interim*, has thought proper to accede, that as a colonist there be granted to him two square leagues upon the land of his mining possession, your Excellency will be pleased to issue the orders corresponding.

I repeat to your Excellency," etc.

Wherefore I transcribe it to your Excellency in order that, in conformity with what is prescribed by the laws and disposi-

tions upon colonization, you may put Señor Castillero in possession of the two square leagues which are mentioned.

God and Liberty. Mexico, May 23, 1846.

CASTILLO LANZAS.

To His Excellency, the Governor of the Department of Californias.

NAZARIO FUENTES.

I furthermore certify and give faith, that in said book, immediately following the foregoing instrument, there exists another instrument, which is in the following words and form:

Deed of Sale. In the city of Mexico, the seventeenth day of December, one thousand eight hundred and forty-six, before me the Notary Public and witnesses, being present Señor Don Andres Castillero, Captain of Permanent Cavalry, resident in this city, whose person, being of age, I certify that I know, and he said: That he is owner in fee (propiedad) of twelve shares (barras) in the mine of silver, with *ley* of gold and quicksilver, situated on the rancho of Don José Reyes Berreyesa, in the jurisdiction of the pueblo of San José de Guadalupe, of the Territory of Upper California, in the second district of Monterey; that, as such owner, by these presents, and in the most solemn form permitted by law, he declares that for himself, and in the name of his heirs and successors, and of those who may represent his rights, he sells in real sale and perpetual alienation, to Señor Don Alexandro Forbes, for himself and his heirs, and those who may represent his rights, five shares (barras) of the twelve which belong to him in fee, in the aforesaid mine of Santa Clara, which he, the declarant, acquired as discoverer, and as such, he transfers to the purchaser the aforesaid five shares, with all their uses, benefits, servitudes, and everything else which actually and legally belongs and appertains to them; for he conveys, renounces, and transfers them all to the said Señor Forbes, or whoever may represent his rights. He declares that the aforesaid five shares are free from all incumbrance, tax, or mortgage, special or general, and as such he assures them for the price and amount of four thousand dollars, which he acknowledges having received in common current silver money, of Mexican coinage, to his entire satisfaction, relative to which he renounces the exception of *non numerata pecunia*, the Law 9, Title 1, Partida 5, with the four years allowed for proof, the same which he considers as past, granting, by these presents, the most firm and efficacious protection which may be conducive to the security of the purchaser. He affirms that the just and lawful price of the said five shares, is the four thousand dollars, which

he acknowledges he has received, for they are not worth more, nor has there been any one who would offer him as much; but if their value should be greater, or if the advantage should become very great in time, he makes of all free gift and donation, pure, simple, perfect, and irrevocable, with judicial intervention and renunciation of the Law 2d, Title 1st, Book 10, of the "Novisima Recopilacion," which treats of contracts in which there is lesion in more or less than the half of the just price, fixing four years in which to ask for their rescision or the supplement of the just value, which term he considers as past, and renounces with the law referred to. From this time forth, forever, he dispossesses himself, gives up, and separates himself from all action, ownership, dominion, and *quasi* possession he can have in the said five shares, and he grants, renounces, and conveys them all to the purchasers, or whoever may represent him, that, as owner, he may dispose of them of his free will and pleasure, as of his own property acquired by just and legal title, sufficient and conveying dominion, such being the present writing: taken either by himself or judicially, possession and tenure of the same, he (the vendor) constituting himself in the meantime, his (the purchaser's) tenant, and temporary possession in legal form. He binds himself to the security, certainty, and warranty of this sale, as also that the second article of the contract of partnership executed in the mission of Santa Clara, on the second of November, one thousand eight hundred and forty-five, shall never be an obstacle, for he binds himself to make his partners agree and consent to it, as he, the vendor, has consented and agreed to those which they have made: in the understanding that if he cannot obtain this, or if any suit should be brought against the purchaser, so that at his own expense he should not be able to retain quiet and peaceable possession, he will return to him the four thousand dollars, which he ackowledges he has received, with the proceeds of the twelve shares of which he is owner, paying him all the damages, prejudices, and losses, which he may incur, without other proof than the simple affidavit of the party. And to the fulfillment of this obligation, he hypothecates expressly, specially and signally the aforesaid twelve shares, which he cannot sell, incumber, or in any other manner alienate, without the express consent of the purchaser, who may, in the contrary event, reclaim them even from third or more remote possessors, in order to insure to himself everything which, according to the present writing, may become due to him. And Don Francisco Martinez Negrete, resident and merchant in this city, being present, whose person, being of age, I certify that I know, and being acquainted with the contents of this

writing, said that being sufficiently authorized by orders from Don Alexandro Forbes, in the name and in legal form he accepts this present; and for that purpose he gives the authority and bond, *de grato et rato*, of his principal whom he represents, and in his name declares that he is contented and satisfied with the present instrument, binding himself to fulfill whatever in the same appertains to Señor Forbes. And to the fulfillment of all that is above expressed, the vendor binds himself, with his person and property, present and future, and with the same submits himself to the authority and jurisdiction of the judges who, according to law, may and should have cognizance of his causes, that they may compel and constrain him, as by force of a definative sentence, consented to, and become *res judicata:* he renounces his domicil and residence, and the benefit of the general law, and also the law which prohibits its general renunciation. And in my presence he so executed and signed with Señor Negrete, being witnesses thereunto, Don Manuel Terrazas, Don Octaviano de la Rosa, and Don Manuel Barron, present and residents. I attest. And also, that before signing, the contracting parties added that this sale and every other matter contained in this writing should not have effect until Don Alexandro Forbes shall be in quiet and peaceable possession of the five shares sold; and should he be disturbed by any person, or through any cause, in such event the hypothecation which he makes of the twelve shares stated in the security clause of the present writing, shall take effect; and he repeats, before the same witnesses, the general warranty for the fulfillment of this last warranty; and they signed. I attest. Andres Castillero.—Francisco Martinez Negrete.—Nazario Fuentes.

I certify and give faith, that notwithstanding the relative clause contained in the foregoing writing, the contracting parties desired that I should witness the payment of the four thousand dollars, which was made in my presence, and in the presence of the under-mentioned witnesses, in the house of Don Francisco Martinez Negrete, all which I attest; and in testimony whereof, I make this register, being witnesses his Excellency, Licentiate Don José Antonio Romero and Don Manuel Terrazas, present and residents.

I attest: NAZARIO FUENTES.

I further certify that the foregoing copies are true, exact, and complete copies of said two instruments in said book, which exists in the archives of my office. And finally, I certify that at the end of said book there is a certificate, put,

marked and signed by the aforesaid deceased Nazario Fuentes, in the following words: I certify and give faith that in the present year there have not occurred more instruments than those which appear in the preceding one hundred and twenty-one leaves of this protocol, and in testimony thereof, I make my mark and signature.

NAZARIO FUENTES, N. P.

—

And in fulfillment of the order given by the first civil judge of this capital, Señor Don Antonio Madrid, in decree of the 14th of the present month, I issue the present this 20th of April, one thousand eight hundred and fifty-eight, which is written on fifteen leaves, having been witnesses to the making and correcting of said copies, Don Ramon Orta, Don Ignacio Esquibel, and Don Pedro Navarro, residents of this city. I attest.

JUAN NAVARRO, Notary Public.

—

The undersigned, First Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, with exercise of decrees, and honorary Chief Clerk of the same—

Do certify that the preceding signature of the Notary, [L. S.] Don Juan Navarro, is the same which said Notary uses and is accustomed to affix with his sign or cross to all documents authorized by him, and to which is given full faith and credit. Mexico, May 1, 1858.

[Dues 4 dollars.] MARIANO ALEGRIA.

—

José Miguel Arroyo, Honorary Intendent of the Army, and First Chief Clerk of the Ministry of Exterior Relations of the Mexican Republic—

No. 55.

Do certify that Don Mariano Alegria is at present [L. S.] First Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, with exercise of decrees, and honorary Chief Clerk of the same, in said republic, and that the preceding signature is his, and that which he uses in the documents which he authorizes.

Mexico, May 1st, 1858.

[L. S.] J. MIGUEL ARROYO.

[Dues 4 dollars.]

LEGATION OF THE U. S. OF AMERICA,
MEXICO, May 7th, 1858.

The undersigned, Minister of the United States of America, for the republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law to certify to documents to be used in foreign countries, and that the said seal attached to his signature is the only one used to certify official acts in the Department of Foreign Relations.

In testimony whereof, I have hereunto set my hand,
[L. S.] and affixed the seal of this legation, the day and year above-mentioned.

JOHN FORSYTH.

I, John Forsyth, Minister of the United States for the republic of Mexico, do hereby certify, that on the forenoon of the 30th July last past, I was present at the office of the "Escribano," or Notary Public, Don Juan Navarro, when and where the said Navarro produced from the archives of his office, a book, formed of sheets of stamped paper stitched together, and consisting (exclusive of the fly leaf in the beginning and the index at the end) of one hundred and twenty leaves, and titled "*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes;" that in the presence of Frederick Glennie, Esq., H. B. M.'s Consul, the aforesaid Notary, Juan Navarro, and the undersigned, John P. Brodie, and the Licentiate Emilio Pardo, examined certain original instruments contained in said book, and compared the foregoing copy with the same, which was found to be a correct and true copy, with the exception of two slight omissions, which are certified to by said Notary, Navarro, in his certificate of said date 30th of July, duly legalized and certified to by the undersigned, under this present date.

MEXICO, 4th August, 1858. JOHN FORSYTH.

I, Frederick Glennie, Her Britannic Majesty's Consul at Mexico, do hereby certify, that on the forenoon of the 30th day of July now last past, I was present at the office of the Notary Public, Don Juan Navarro, when and where the said Navarro produced, from the archives of his office, a book, formed of sheets of stamped paper, stitched together and consisting (exclusive of the fly-leaf at the beginning and the index at the end) of one hundred and twenty leaves, entitled, "*Año de* 1846. *Protocolo de Instrumentos Publicos, del Escribano* Don Nazario Fuentes;" that in the presence of John Forsyth, Esq., Minister of the United States of America to the republic of Mexico, the aforesaid Notary, Juan Navarro, and the undersigned, John P. Brodie and the Licentiate Emilio Pardo examined certain original instruments contained in said book, and compared the foregoing copy with the same, which was found to be a true and correct copy, with the exception of two slight omissions, which are attested to by said Notary, Juan Navarro, in his certificate bearing date 30th July aforesaid.

In testimony whereof, I have hereunto set my hand and Consular seal, in the city of Mexico, this fourth day of August, in the year one thousand eight hundred and fifty-eight.

[L. S.]

F. GLENNIE,
H. B. M.'s Consul.

The Licentiate Emilio Pardo, for Señor Don Andres Castillero, with protestations of respect, and as may be proper to act, represents to you: That in the month of May last past, there was issued to me a certified copy of certain documents which existed in the protocol of the deceased Don Nazario Fuentes, at present in the charge of the Notary Don Juan Navarro, and which have reference to two contracts respecting a quicksilver mine discovered in 1845, by Señor Castillero, in the territory of Upper California. When I made application for said certified copy, I represented to you that the importance of the property caused that the authenticity of those documents, which prove the legal acquisition of the same, should be actively disputed, and as such disputes will not cease with the exhibition of said certified copies in San Francisco to the American tribunals, I have to request that you will be pleased to order, that, preserving all necessary copies and proofs of said documents, the originas be delivered to me for exhibition in the proof of the suit, which is being prosecuted against

the copartners of Don Andres Castillero, in relation to the ownership of the quicksilver mine now called New Almaden, and to which the aforesaid documents refer; and to order further that Señor Don Juan P. Brodie, agent for the parties interested, may inspect personally the above-mentioned protocol, in presence of the Minister of the United States of America, and compare the original with the certified copy, and that you will return me this petition with the decree which may be made to the same.

I request of you to decree in conformity, by which I shall receive benefit and favor.

MEXICO, July 29, 1858. Lic. EMILIO PARDO.

[Presented at eleven o'clock of the morning of this date.]

[Marginal Decree.]

In observance of the express sense of the laws two, title eight, book one, F. R., four and six, title twenty-three, book ten, N. R., and 15, title ten, book eleven of the same, the delivery of the original documents which the parties solicits, cannot be made; and with regard to the comparison in the presence of the agent of parties interested and of the American Minister, let the same be made, confining it to the documents in question, and nothing more. The first civil judge of this capital, Don Antonio Madrid, so decreed and signed.

I attest: MADRID.

—

On the same day, being present in the office, the Licentiate, Don Emilio Pardo, he was informed of the foregoing decree, and being made acquainted with the same, answered that he understood it, and the comparison as ordered was proceded with. I sign and attest:

Lic. PARDO. JUAN NAVARRO.

—

I, the undersigned Notary, do certify that, this day, there met together in the office of which I am encharged, his Excellency, the Minister of the United States of America, John Forsyth; the Consul of Her Britannic Majesty, Frederick Glennie; John P. Brodie; and the Licentiate Don Emilio Pardo, whom I attest that I know; and in compliance with the order contained in the preceding decree, of yesterday's date, they proceeded to compare the foregoing copy, issued on the twentieth of April of the present year, with the originals which

exist in the respective protocol, and which were presented to the view of said gentlemen; and having made said comparison, it was found that the difference existed of their being wanting, in the copy, the following words, which are in the original, and which are: On the seventh leaf of said copy, eleventh line, there is wanting after the words *Pánfilo Solis*, the following: "*Extracted from its registry, on the day of its execution, in four leaves of the proper paper; I attest, Pánfilo Solis.*" On leaf thirteenth, second page, of said copy, twenty-first line, after the word *adeude*, there are likewise wanting the following: "*The cost of this writing shall be for account of both contracting parties, each one-half.*" Being the only difference which was found after a critical examination and comparison which was made by Messrs. Brodie and Pardo in the presence of his Excellency the Minister and Consul aforesaid.

And that such may appear, and in testimony of the truth, I issue the present in the city of Mexico, the thirtieth of July, one thousand eight hundred and fifty-eight, being witnesses, Don Manuel Velasco and Don Pedro Navarro, residents of this city.

I attest: JUAN NAVARRO, Notary Public.

—

[L. S.] The undersigned, First Clerk of the Ministry of Justice, Ecclesiastical Affairs, and Public Instruction, and honorary Chief Clerk of the same, with exercise of decrees—

Do certify, that the signature and sign which precede, are those of the Notary Public, Don Juan Navarro, and the same which he customarily uses in all documents which he authorizes.

MEXICO, August 2, 1858. MARIANO ALEGRIA.

[Dues, $4.]

—

[L. S.] José Miguel Arroyo, Honorary Intendent of the Army, and first Chief Clerk of the Ministry of Exterior Relations—

Do certify, that Don Mariano Alegria is First Clerk of the Ministry of Justice, Ecclesiastical Affairs and Public Instruction, and honorary Chief Clerk of the same, with exercise of decrees, in the Mexican Republic, and that the foregoing signature is his, which he uses in documents authorized by him.

[Dues, $4.] J. MIGUEL ARROYO.

LEGATION OF THE U. S. OF AMERICA,
Mexico, August 4th, 1858.

The undersigned, Minister of the United States of America for the republic of Mexico, do hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of the said person, the same as used by him in all his official acts, who is well known to me, and was, at the time of subscribing the same, Chief Clerk of the department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the only person authorized by law, to certify to documents to be used in foreign countries, and that the seal attached to his signature is the only one used to certify official acts in the department of Foreign Relations.

In testimony whereof, I have hereunto set my
[L. S.] hand, and affixed the seal of this legation, the day and year above-written.

JOHN FORSYTH.

Extracts from the report which Don José Maria Lafragua, Minister of Interior and Exterior Relations, read to Congress on the 14th, 15th, and 16th of December, 1846, and of the report by Vicente Segura, President of the Junta de Fomento de Mineria, addressed to said Minister on the 17th November, 1846.

[P. 65.]

* * * "In the State of San Luis Potosi, the metals reduced, and the quicksilver extracted, are in proportion; and in Upper California a mine (*criadero*) has been discovered, whose *ley* surpasses that of the best mine known, that of Almaden, which does not produce more than thirteen per cent., while ours, by the assays made in the College of Mining, of this capital, exceeds thirty-five and a half per cent." * *

[P. 66.]

* * * "I recommend the sovereign Congress to direct its attention to this subject, making the production of our quicksilver a truly national enterprise, the importance of which cannot be overrated; either by creating a fund, or dictating other suitable measures." * *

[P. 118.]

Number 52.

"SECRETARY'S OFFICE OF THE JUNTA DE FOMENTO Y ADMINISTRATIVA OF MINING.

Most Excellent Sir: — In compliance with your Excellency's superior order of the 3d inst., directing this Junta to give an account of the matters confided to its care since the epoch of its report in 1845, their present condition, with the object in view, in order to form the *Memoria* which should be presented to the general Congress of the nation, immediately on its installation, the Junta has the honor to submit to your Excellency a simple historical relation of the most important matters with which it has been occupied for the last two years, and their present situation, with the reflections and recommendations which it has deemed suitable for the better and more faithful performance of its duties." * * *

[P. 136.]

* * * "The junta on the 21st of April last, sent to the professional Board (*Junta Facultativa*) of the College some specimens of cinnabar which Don Tomas Ramon del Moral presented, in the name of Don Andres Castillero, a resident of Upper California, with a representation in which he asked for assistance to work a mine which he had discovered in the mission of Santa Clara, known by the old Indians, who got out of it vermillion to paint their bodies. The assay, made by the Professor of Chemistry, of the ores in common, produced the extraordinary *ley* of thirty five and a half per cent., which was communicated to the government on the 5th of May, representing that Señor Castillero had been asked what assistance he required of the junta.

That Señor presented his petition in due form, and it was very attentively examined by the junta; he made his propositions, to which this (junta) agreed, to wit: that there should then be delivered to him five thousand dollars in money, eight iron retorts, of those which the junta ordered to be made for their former examinations, and all the quicksilver flasks it has in the *negociation* of Tasco. Señor Castillero obligated himself, on his part, to repay said advance in quicksilver, at the rate of one hundred dollars a quintal, within six months from his leaving the port of Mazatlan. This agreeement was approved by the Supreme Government on the 20th of the same month; but on account of the declaration (of war) made by the United States of the north, when he was going to receive the draft on Mazatlan, the ministry issued the order of September 19th of this year, directing the suspension of all

payments of the branch of quicksilver, except the support of the college, and the expenses of the office." * * *

[P. 146.]

* * * "This is not the occasion to present together all the labors of the junta to correspond to the high confidence with which the government has honored it. A part of them are expressed in this note, and the others may be found in the memorials, reports, and multitude of communications which are in the office of this ministry. For the present it will merely assure what is shown in these documents, to wit: that the spirit of enterprise has been so stimulated that the quicksilver mines in the principal departments of the republic are being worked, both by companies and also by individuals; that in the department of San Luis Potosi, the quicksilver extracted is in proportion to the silver reduced, so that no foreign quicksilver is required; that Upper California, in the presidio of Santa Rosa, there has been discovered by Señor Don Andres Castillero a great mine, the *leys* of which are truly surprising, since the result of the assays made in the College of Mining gives, as the common fruits, over thirty-five and a half per cent., while that of the best mine which is known, that of Almaden, does not exceed thirteen per cent.; and finally, that, from all the data collected, it may be hoped, resting on a good foundation, that our mines of quicksilver are more than sufficient to supply all that is required for the reduction of our silver.

This grand national enterprise the junta has not been able fully to carry out, because it has been deprived of one of its funds of one per cent. of the circulation of money, without substituting any other, and because of the remainder it could only dispose of one-third part, since the government, in the deficiency of the treasury, has used the rest. This evil was increased to the lamentable extremity of leaving it (the junta) without any, by the order of the 10th of May last, which directed the suspension of all the payments which were made by the public treasury. The sad results of such determinations the junta will not stop to detail; they are manifest from what has already been here shown." * * * * *

The junta has the honor to present to your Excellency its highest consideration, most distinguished esteem, and most profound respect.

God and Liberty. Mexico, November 17th, 1846.

VICENTE SEGURA, President.

The Secretary being occupied,

YSIDRO R. GONDRA, First Clerk."

Filed June 17th, 1859. W. H. CHEVERS, Clerk.

DEPOSITION OF JOSE MARIA DE BASSOCO.

UNITED STATES DISTRICT COURT,
Northern District of California.

THE UNITED STATES
v.
ANDRES CASTILLERO.

SAN FRANCISCO, June 1, 1859.

On this day, before the District Court of the United States for the Northern District of California, duly authorized to administer oaths, etc., etc., came José Maria de Bassoco, a witness produced on behalf of the claimant in Case No. 420, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. 366, on the docket of the said Board of Commissioners, and was duly sworn and testified as follows—his evidence being interpreted by Richard Tobin, a sworn interpreter.

Present: A. C. Peachy, of counsel for the claimant; and the U. S. Attorney and Mr. Randolph, for the United States.

QUESTIONS BY MR. PEACHY.

QUESTION 1.—What is your name, age, and place of residence?

ANSWER 1.—My name is José Maria de Bassoco; I am 64 years of age; my residence is in Mexico.

Q. 2.—Where were you born?

A. 2.—In Madrid, in Spain.

Q. 3.—When did you arrive in Mexico?

A. 3.—In 1810.

Q. 4.—Have you resided in Mexico since that time?

A. 4.—I have resided there with some intermissions; I was absent from the country from the latter part of 1828 until February, 1831.

Q. 5.—In what part of the republic of Mexico have you resided?

A. 5.—The place where I generally resided was in the city of Mexico; but as I had some estates in other parts of the country, I was absent from there occasionally; I lived a few months in the city of Durango and also a few months in the city of Tampico.

Q. 6.—What has been your occupation in Mexico?

A. 6.—I came out at first to join my uncle, the Count of

Bassoco. The Count died in 1814, but I remained attending to his estate until 1822. At that time I entered on the business of an agriculturist, ("hacendado") in which I have remained up to this time, with the exception of an interval of the years from 1828 to 1834, during part of which I was traveling in the United States and at Tampico.

Q. 7.—Of what country was the Count of Bassoco a native; and in what occupation was he engaged?

A. 7.—He was born in the province of Biscaya, Spain. He was the owner of real estate in Mexico, and lands in the country. He was largely interested in the public funds there, and had a large interest in the mine called "Beta Grande," in Zacatecas.

Q. 8.—Do you own property in Mexico or elsewhere? If so, please to state its value.

A. 8.—The question is delicate and embarrassing, owing to the present condition of Mexico. I have lands in the country which are assessed at $110,000, but they are incumbered to the amount of $51,000; I have shares in the public debt of Mexico to the amount of eighty odd thousand dollars. I own no property elsewhere than in Mexico.

Q. 9.—What public offices have you held in Mexico?

A. 9.—I was Regidor of the city from the middle of 1820 until the end of 1821; member of the "Tribunal Mercantil," in 1824, and Vocal, or a member of the Junta de Fomento y Administrativa de Mineria, from December, 1842, for six years.

Q. 10.—What was the date of the decree by which the Junta de Fomento was established, and when did it enter upon its duties?

A. 10.—The date of the decree was December 2d, 1842, and it commenced its duties very shortly afterward, but I don't know exactly when.

Q. 11.—Of how many members was the Junta composed?

A. 11.—Of three, excluding the "supplentes" or substitutes.

Q. 12.—How many supplentes were there?

A. 12.—The agent or attorney of the creditors had one; the agent or attorney of the mines had three; the agent or commissioner of the government had not any.

Q. 13.—By whom were the members of the Junta appointed?

A. 13.—The commissioner of the government was appointed by the government; the agent of the miners by the miners, and the agent of the creditors by the creditors of the "Dotal" or Mining Fund.

Q. 14.—State the names of the members of the Junta, when it was organized, and by whom appointed.

A. 14.—1. Don Vicente Segura. 2. Don Xavier Echeverria, who was appointed *ad interim*, because the permanent incumbent was to be appointed afterward. 3. Myself, appointed by the creditors. Segura was appointed by the government, and Echeverria by the miners.

Q. 15.—For what terms did the members of the Junta hold their offices?

A. 15.—For three years.

Q. 16.—How long did Don Vicente Segura continue in office?

A. 16.—He was never removed.

Q. 17.—During what years was he a member?

A. 17.—I stated that he was appointed when the Junta was first established and that he was never removed, and, therefore, he was a member during all the time of the existence of the Junta.

Q. 18.—How many years did Señor Echeverria continue a member of the Junta?

A. 18.—I think he was a member only during a few months.

Q. 19.—By whom was he superseded?

A. 19.—Don José Del Motte was his successor.

Q. 20.—How long did Mr. Del Motte remain in office and by whom was he succeeded?

A. 20.—He remained in office during the time of the first election, from which I infer that he was in office nearly but not quite three years. His successor was Don Juan Maria Flores.

Q. 21.—How long was Mr. Flores in office?

A. 21.—Three years.

Q. 22.—Who were your *supplentes*?

A. 22.—I had two *supplentes* at different times; one was the Licentiate Don Atilano Sanchez, and the other, Don Joachim Rosas.

Q. 23.—Who were the *supplentes* of Echeverria, of Del Motte, and of Flores?

A. 23.—I do not remember them all; nor can I state the terms of office; but I will mention those whom I remember. Don José Del Motte, Don Joachim Rosas, Francisco Lafragua, and Dr. Don Ruis Gordoa Lelo de la Rea, were all I can remember.

Q. 24.—Who was the first President of the Junta?

A. 24.—Don Vicenta Segura.

Q. 25.—In what year?

A. 25.—In 1843.

Q. 26.—Who was the second President?

A. 26.—Del Motte.
Q. 27.—In what year?
A. 27.—In 1844.
Q. 28.—Who the third?
A. 28.—Myself.
Q. 29.—In what year?
A. 29.—In 1845.
Q. 30.—Who was President in 1846?
A. 30.—Don Vicente Segura.
Q. 31.—Who in 1847?
A. 31.—I think it was Don Juan Maria Flores.
Q. 32.—And who in 1848?
A. 32.—I suppose I was, because it was my year in turn.
Q. 33.—Who was Secretary of the Junta at the time of its organization?
A. 33.—Don José Maria Castera.
Q. 34.—How long did he remain Secretary?
A. 34.—I think he was Secretary until 1850.
Q. 35.—Is he living; if not, when did he die?
A. 35.—He is dead; I think he died in 1850.
Q. 36.—Who was *el oficial primero de Secretaria*, at its organization, and how long did he remain in office?
A. 36.—Don Ysidro Rafael Gondra. I cannot state whether he held that office from the organization of the Junta or from a short time after. I cannot state certainly how long he held office, but I can state that in 1849 he still held it.
Q. 37.—Who held that office in 1846?
A. 37.—Gondra.
Q. 38.—Who was *oficial segundo de Secretaria* at its organization, and how long hid he hold his office?
A. 38.—I don't remember.
Q. 39.—Who was the Archivero?
A. 39.—Kirvan.
Q. 40.—When did he enter upon and how long did hold that office?
A. 40.—He was there in the time of the "Establishment or Mineria," which body or corporation, was the predecessor of the Junta de Fomento—and in 1849 he still held that office.
Q. 41.—Do you remember the names of any persons who acted as clerks to the Junta de Fomento.
A. 41.—I do.
Q. 42.—Their names?
A. 42.—Couto, Cauchola, Saavedra, Roman, Garcia, Arana, Elias, Bonilla, Carvajal, and Arguello. I don't remember any others.
Q. 43.—Who was Contador of the Junta?

A. 43.—The first was Hierro. He died. I don't remember if his successor was Gaugoiti or Paredo; Gaugoiti died and I don't remember whether he actually entered upon the office of Contador or not. His successor was Paredo and he held the office for many years and holds it still.

Q. 44.—Can you give the names of any persons who filled the office of "Oficial Primero" of Contaderia?

A. 44.—I think I can. Gaugoiti discharged the duties of that office; it may be Paredo did so also. I don't remember any others.

Q. 45.—Do you remember the names of any persons who filled the office of Treasurer of the Junta?

A. 45.—During the whole time that I belonged to the Junta that office was held by Don Teodoro Castera.

Q. 46.—Who was el Moso de oficio?

A. 46.—Rodriguez.

Q. 47.—Please explain the "Fondo Dotal," of which you have spoken.

[At this point, at the request of the counsel for the United States, and with the assent of the counsel for the claimant, the witnesses in attendance on the part of the claimant were requested to retire, except the one under examination.]

A. 47.—When in 1732 the coining of money was commenced for account of the sovereign, the "real" of señoreage was doubled. What was called the real of señoreage, consisted of a tax of one real per marc on silver of *once dineros*. This tax was doubled, because in addition to the real charged on the silver before it went to the mint, another was charged when it was received at the mint. Then the miners represented to the King or made a statement to him opposing this double tax, and stating that it had no foundation in law, and requesting him to grant to them a part of that additional real, so that by making it a capital of their own they might establish a body of their own similar to that of the merchants; that they might establish a college to teach the branches of knowledge relating to the proper working of the mines, and also attend to the advancement of the body itself. The King fully acceded to their request, and I think it was in 1776 when the tribunal was established. The real in Mexico was composed of twelve grains, two-thirds of it, or eight grains, were appropriated to the establishment of this fund. Additions were made from time to time, to these eight grains, until finally, the whole real was appropriated to the purpose. This is what constitutes the "Real de Mineria," or "El Fondo Dotal del Cuerpo Minero." I think this is sufficient to answer the question.

Q. 48.—After the independence of Mexico, was this real per marc still retained as belonging to the Fondo Dotal?

A. 48.—It was; because by a decree of the 20th May, 1826, the tribunal was abolished and a body called the "Establecimiento de Mineria," to which I have already referred, was created to take charge of this real and of the college, until the debt due by this fund was paid by the accumulation of this fund. The law of the 30th November, 1850, regulating the public credit, was the first which ignored the nature of this fund. Since then it has gone through many vicissitudes which it would take considerable time to explain and which leave it now in a very equivocal condition.

Q. 49.—Please to explain the "Fondo de Azogue."

A. 49.—When in 1842, the decree was made establishing the Junta de Fomento y Administrativa de Mineria, another decree was made creating a National Fund, the administration of which was intrusted to the Junta, to obtain quicksilver upon the best terms that it could be had for the use of the miners. This fund was created by taxes imposed on the importation of cotton goods, and a tax of one per cent. on the money in circulation; afterward the duty on cotton goods was remitted, and in lieu of it a duty of three per cent. was imposed on the importation of certain kinds of merchandise which I do not remember. Afterward another change was made; a specific sum of $130,000 was ordered to be raised, of which sum the custom-house at Vera Cruz was to pay $80,000, and the custom-house at Tampico $50,000. I think this is an answer to the question.

Q. 50.—To what extent was the Mining Fund in debt when you were first appointed "Apoderado" of the creditors of the fund, in the Junta de Fomento.

A. 50.—In 1845 it owed a round sum of $5,000,000; it may have been a little more or less. The interest had been paid regularly, and some payments of principal and interest (which was overdue) had been made; and, therefore, I think that when I entered, in 1842, it mnst have owed something more.

Q. 51.—How often was the Junta de Fomento in the habit of meeting?

A. 51.—It met frequently, almost every day.

Q. 52.—Was any record kept of their proceedings?

A. 52.—These proceedings were written out and called "the actas." The actas were in "cuadernos" or sheets of paper put together in the form of a book and unbound. A "cuaderno" is a number of sheets of paper put together by stitching or by glue, or otherwise, in the form of a book. The minutes of

each day's proceedings were called "actas"; these actas were then attached together and formed "cuadernos."

Q. 53.—By whom were these minutes or records of the proceedings made?

A. 53.—By the Secretary.

Q. 54.—Were they revised or corrected by any one?

A. 54.—The Secretary read them over to the Junta, and the members would naturally correct any errors that might be found.

Q. 55.—Were these minutes signed by any one?

A. 55.—The members who attended the session of the Junta signed the "acta."

Q. 56.—How were these minutes signed?

A. 56.—They signed with the rubrica alone.

Q. 57.—When were they read to the Junta?

A. 57.—At the next meeting; they were signed by the members who had been present at the session the proceedings of which were recorded.

Q. 58.—Were these actas preserved in any other form than in the cuadernos of which you have spoken?

A. 58.—As I remember, the cuadernos were borradores or blotters, and a clean copy of them was afterward made in a book kept for that purpose.

[The testimony of the witness as to the manner of keeping these books is objected to, on the ground that the Secretary who kept them is the best witness and ought to be produced.]

Q. 59.—After the cuadernos had been copied into the book of which you have spoken, was the copy signed by any one?

A. 59.—They were both signed; both the cuaderno and the clean copy in the book, in the same way, that is, by the rubrics of the members.

Q. 60.—Examine the document now shown you and say what it is.

A. 60.—This is a traced copy of parts of the borradores of the actas of the Junta. It begins with the proceedings of the session of the 23d April, 1846.

Q. 61.—Did you compare that copy with the original; if so, when, where, and in what manner, was the comparison?

A. 61.—I did; in April of this year; in the office of the Junta; the comparison was made thus: I read this copy while another person read aloud to me the original, and then I read the original while he read the copy to me. I also examined several leaves to see if the tracing was well done, and I satisfied myself that it was very well done.

Q. 62.—State whether from these comparisons you believe

this document to be an accurate and exact copy of the original.

A. 62.—I do; I am satisfied of it.

Q. 63.—Do the original borradores of which this document is a copy, contain any signatures?

A. 63.—They have the same signatures as are shown on this copy.

Q. 64.—Are you acquainted with those original signatures?

A. 64.—I am.

Q. 65.—Whose signatures did you find on those borradores?

A. 65.—I found the same signatures as are on this copy.

Q. 66.—Did you examine the signatures on the original borradores of which this document is a copy?

A. 66.—I did.

Q. 67.—Are you acquainted with the persons whose rubrics are found on those original borradores?

A. 67.—I am.

Q. 68.—Are you acquainted with the rubrics of those persons?

A. 68.—I am.

Q. 69.—How did you become acquainted with them?

A. 69.—One is my own; the other two are those of my associates in the Junta.

Q. 70.—Did you ever see Segura, Flores, and Rosas, sign their rubrics?

A. 70.—I have seen them do so often.

Q. 71.—Can you tell from this document, which is the copy of the rubric of Segura, which that of Flores, which that of Rosas, and which that of your own?

A. 71.—I can.

Q. 72.—Do the rubrics of those persons occur in the original as indicated in this copy?

A. 72.—They do; they are exactly similar.

Q. 73.—In what way was it customary to sign the borraderes of the actas?

A. 63.—By the rubrics alone.

Q. 74.—Are the rubrics which you found on the original borradors, the genuine rubrics of the persons whose rubrics they purport to be?

A. 74.—They are.

[Document offered in evidence.]

[Objected to on the ground that Mexican archives or records of public acts of the Mexican Government, remaining still in Mexico, are not admissible in evidence in the United States to prove title out of the United States, and that no document

purporting to be a copy of such archives or records, can be received in evidence; and, also, on the ground that the document is incomplete in not containing all the proceedings of the Junta within the dates therein mentioned.]

[Admitted in evidence subject to the above objections; and, also, to all other objections to which, on examination, the document may be found liable. Document marked "Exhibit Bassoco No. 1, O. H."]

Q. 75.—Whose rubrics did you find signed to the original borrador of the acta of the Junta of the session of April 23d, 1846?

A. 75.—I found the rubrics of Segura, Flores, and myself.

Q. 76.—Point out on this copy which are the copies of these rubrics respectively.

A. 76.—The first rubric on the reverse of the page marked in red ink, "4," is that of Segura; the second is my own; the third is that of Flores.

Q. 77.—Whose rubrics did you find on the original borrador of the session of the 2d May, 1846? and identify them on this traced copy.

A. 77.—I found the rubrics of the same persons I have mentioned. The first rubric on page 6 of this document is a copy of that of Segura; the second is a copy of my own rubric and the third a copy of that of Flores.

Q. 78.—Answer the same question with respect to the original borrador of the acta of the session of May 4th, 1846.

A. 78.—I answer it in like manner as the preceding. The copies of the rubrics are found on the reverse of page 10 of this traced copy. The first is a copy of the rubric of Segura; the second of that of Bassoco, and the third, of Flores.

Q. 79.—Answer the same question with reference to the borrador of the acta of the session of May 6, 1846.

A. 79.—It has the same three signatures of Segura, Flores, and Bassoco; copies of them are found on page 11 of the traced copy, in the order in which I have last mentioned them.

Q. 80.—Answer the same question with reference to the original borrador of the acta of the session of May 7, 1846.

A. 80.—It has the same signatures; copies of them are found on the reverse of page 13. The first is a copy of Segura's rubric; the second of Bassoco's; the third of that of Flores'.

Q. 81.—Answer the same question with regard to the borrador of the acta of the session of May 9, 1846.

A. 81.—It has the same three signatures; copies are found on the reverse of page 15. The rubrics occur in the same order as is stated in the last answer.

Q. 82.—Answer the same question with reference to the borrador of the acta of the session of May 11, 1846.

A. 82.—It has the same three signatures; they are found on the reverse of page 17 of the traced copy, and in the some order as last mentioned.

Q. 83.—Answer the same question as to the borrador of the acta of the session of May 13, 1846.

A. 83.—It has the signatures of Flores and Bassoco, but not that of Segura; they are found on the reverse of page 19 of the traced copy.

Q. 84.—Answer the same question as to the borrador of the acta of the session of May 14, 1846.

A. 84.—It has the rubrics of Segura, Bassoco, and Flores. Copies are found on page 22 of the traced copy.

Q. 85.—Answer as to the borrador of the acta of May 18, 1846.

A. 85.—It has the rubrics of Segura, Flores, and Bassoco; copies are found on the reverse of page 26 of the copy.

Q. 86.—Answer as to the borrador of the acta of the session of May 22, 1846.

A. 86.—It has the rubrics of Segura and Bassoco; copies are found on page 29 of the traced copy.

Q. 87.—Answer as to the borrador of the session of May 25, 1846.

A. 87.—It contains the signatures of Flores and Rosas; copies are found on the reverse of page 31 of the traced copy.

Q. 88.—Answer the same question with reference to the borradores of the actas of the remaining sessions, copies of which borradores are contained in the traced copy before you.

A. 88.—The original borrador of the acta of the session of May 26, contains the rubrics of Segura, Flores, and Rosas; copies are found on page 32. The borrador of the session of May 27, contains the rubrics of Segura and Rosas; copies are found on page 33 of the traced copy. The borrador of the acta of the session of May 28, 1846, contains the signature of Rosas alone; a copy is found on page 35 of the traced copy. The borrador of the acta of the session of May 29, 1846, bears the rubrics of Flores and Rosas; copies are found on page 37 of the traced copy. The borrador of the acta of the session of May 30, bears the rubric of Rosas alone; a copy is found on the reverse of page 39. The borrador of the acta of the session of September 21, 1846, contains the rubrics of Segura, Bassoco, and Flores; copies are found on page 46 of the traced copy. The borrador of the acta of the session of the 5th November, bears the rubrics of Segura, Bassoco, and Flores; copies are found on page 47 of the traced copy. The borrador of

the acta of the session of the 9th November, bears the rubrics of Segura, Bassoco, and Flores; copies are found on page 50 of the traced copy. The borrador of the acta of the session of November 13, 1846, is not rubricated at all; a copy of the borrador is found on page 51 of the traced copy. The borrador of the acta of the session of November 16, 1846, bears the rubrics of Segura and Bassoco; copies are found on page 53 of the traced copy. The borrador of the session of December 5, 1846, bears the rubrics of Segura, Bassoco, and Flores; copies are found on the reverse of page 56 of the traced copy.

Examination adjourned until to-morrow, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, June 2, 1859.

EXAMINATION OF JOSE MARIA DE BASSOCO RESUMED FROM YESTERDAY.

Present: All the parties.

Examination adjourned until Saturday next, the 4th inst.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, June 4, 1859.

EXAMINATION RESUMED FROM THE 2D INST.

Present: Mr. Peachy and Mr. Yale, for the claimant; the District Attorney and Mr. Randolph, for the United States.

Q. 89.—You have said that at the succeeding session of the Junta it was customary to sign the borrador of the acta of the preceding session; were the borradors of the actas, the signatures to which you have proved, so signed?

A. 89.—That was the usual and general mode of signing, though there may have been exceptions. Sometimes, by accident or from some other cause, one of the members may have been absent at the next session after the one to which the borrador referred, and would sign it perhaps later than his associates, or at some subsequent session.

Q. 90.—Have you any reason to believe that any of the rubrics to said borradores were signed out of the usual mode, or that for any reason they are not genuine and true?

A. 90.—I have no reason to doubt that they are genuine and true; I believe them to be so.

Q. 91.—Are you acquainted with Manuel Couto, Vicente Segura, P. Almazan and J. Miguel Arroyo; do you know their signatures; do you know what offices they held at the respective dates of their certificates to the traced copy marked "Exhibit, Bassoco, No. 1;" are their signatures thereto genuine?

A. 91.—I am acquainted with all those persons; I know them all well, except Almazan, with whom I am but slightly acquainted; I know the signatures of all of them, except that of Almazan; I have seen it, but could not swear to it. I am well acquainted with Couto's signature, but better with those of Segura and Arroyo. At the date of Couto's certificate, (March 30, 1859,) he was Secretary of the office which administers the Fondo de Mineria; Don Vicente Segura, at the date of his certificate, 30th March, 1859, was Administrador of the same Fondo. At the date of Almazan's certificate, 31st March, 1859, he was Oficial Mayor de Ministerio de Fomento. At the date of Arroyo's certificate, April 1st, 1859, he was Oficial Mayor del Ministerio de Relaciones. I think I am sufficiently acquainted with Couto's signature to be able to state that what purports to be his signature to this certificate, is his genuine signature. The signature of Vicente Segura I know to be genuine; I know it very well. I have seen Almazan's signature, but not often; I take it to be his genuine signature, but am not perfectly convinced of it. The signature of J. Miguel Arroyo, I know to be genuine; I know it very well.

Q. 92.—I find entered in the borrador of the acta of the session of April 23, 1846, the following minute: "The Professor of the college, Don Juan Ramon del Moral, having sent in some specimens of cinnabar from the Presidio of Santo Clara, California, it was resolved that they be transmitted to the Director, with copies of the letters of Señor Castillero, by whom they were sent, that the proper assays may be made." Have you any recollection of the facts therein mentioned?

A. 92.—Yes; I do recollect the matters spoken of therein.

Q. 93.—What do you remember about it?

A. 93.—I remember that Don José Tomas del Moral exhibited to us two letters—one addressed: Don José Joachim de Herrera, who had been President of the Republic, and the other to himself—and some samples of stones of cinnabar, or of cinnabar. I heard my associates often say also, that a small flask of liquid quicksilver was presented at the same time, and I saw it myself afterwards, and was told by Castillero that it had been presented; but as I do not remember myself that it

was presented, I cannot state positively that it was. The Junta transmitted the samples of cinnabar to the Director of the College of Mining, so that he might have them assayed.

Q. 94.—In the borrador of the acta of the session of May 4th, 1846, is the following entry: "Seventh.—From his Excellency, the Director of the College, inserting the report of the Junta Facultativa of the same, regarding the result of the assay made of the specimens of cinnabar remitted by Don Andrés Castillero from California. Resolved, That it be transmitted to the Supreme Government, representing that this answer was not received till yesterday, and that reply has been made to Señor Castillero, asking him to point out what kind of protection or assistance he requires to give good effect to his enterprise, and finally informing it of the premiums which have been paid for national quicksilver extracted in Guadalcazar." Have you any recollection of the facts therein mentioned? If so, state what you recollect.

[Question objected to, as leading. Question waived.]

Q. 95.—Please state what you remember relative to Castillero's transactions with the Junta de Fomento concerning his discovery of a mine of quicksilver in California; what steps, if any, were taken by the Junta de Fomento in that business, and what, if any, by the government.

A. 95.—I recollect that Don Tomas Ramon del Moral, who was then Professor of the College of Mineria, and who had been Director of that college *ad interim*, some time in the year 1845, he presented himself and showed us (the Junta) an extract from a letter which Castillero had directed to Don Joachim de Herrera, and another to Moral himself. He also showed us some samples from the creadero or mine which Castillero has discovered in Alta California. The Junta sent a dispatch to the Director of the College of Mining, asking him to have them assayed. The Director caused them to be assayed and sent a dispatch to the Junta, informing it that the assay had been made and of its good results. The Junta afterwards sent a dispatch to the Ministry of Justice, informing it of the discovery, and that it had asked Castillero what kind of aid he required. On the 7th of May, if I am not mistaken, Castillero presented himself, and related verbally what he had done in California in regard to the discovery, offering to the Junta that it should take some part in the enterprise of the mine. The Junta said to Castillero that he should present his propositions in writing. Castillero did so; and the Junta transmitted them to the Supreme Government through the Ministry of Justice, the duties of which ministry were discharged by

Senor Becerra, urging and recommending the petition of Señor Castillero. The Junta made an agreement with Señor Castillero, by which it bound itself to give him $5,000, which he was to pay back in quicksilver, at the price of fifty dollars per quintal of one hundred pounds, to be delivered at Mazatlan, if I am not mistaken. The Junta also agreed to sell him the flasks which it had at the mines of Tasco. One of the things for which Castillero petitioned, was the approbation of the possession which had been given him in California, and the concession of two sitios of ganado mayor. The government approved the agreement which had been made between Castillero and the Junta. The Ministry of Justice sent a dispatch to the Ministry of Relaciones, in order that on its part it should decide relative to the concession of two sitios de ganado. The Junta then directed the agreement celebrated with Castillero to be drawn up by a Notary Public, and when matters were in this state, which was in May, 1846, the Minister of Hacienda, who was then Don Francisco Iturbe, by orders which he gave, deprived the Junta of the Fondo de Azogue. The Junta, although it had some assets of this fondo, preferred appropriating them to the payment of some of the professors of the college and employes in the office, whose salaries were paid for account of the Fondo de Azogue, considering those debts necessary to be paid for the support of those persons. The Junta retained the Fondo Dotal de Mineria, but at that time it was not considered a part of the public revenues, and its appropriation indicated by the law was the support of the college, the payment of the expenses of the office, and the payment of interest and principal to the creditors of that fund. The salaries of some of the professors and employes of whom I have spoken, were those which had been increased after the establishment of the Fondo de Azogue. As the fondos were in this situation, the Junta determined not to carry out the agreement it had made with Castillero, and they so informed him, and it remained without effect. This is all that occurs to me in answer to the question, which must be substantially confirmed by the borradores, copies of which I have seen here. I do not refer particularly to these borradores, but to the actas of the Junta generally.

Q. 96.—Do you remember when and where you first saw Andrés Castillero?

A. 96.—I saw him first in the office of Mineria, in May of the year, 1846.

Q. 97.—Do you remember ever to have seen him present at any meeting of the Junta?

A. 97.—The first time I saw him he was present at a session

of the Junta, when he verbally informed it of the matters I have stated, relative to the discovery of the mine, and the possession which had been given him.

Q. 98.—You have said that the Junta requested Castillero to present his propositions in writing; do you remember that he did so?

A. 98.—I do; he did present them in writing, and the Junta sent them to the Ministry of Justice.

Q. 99.—State about what time did these transactions take place, if you remember, and by what means you do remember.

A. 99.—The order which the Ministry of Hacienda gave depriving the Junta of the Fondo de Azogue, has been to me a notable event by which I recollect well that the Minister who gave it was Iturbe, and that the time was in May, 1846, and I remember it very well, because that order was the cause that what had been agreed upon with Castillero was undone; and for that reason I remember very well that what took place between Castillero and the Junta occurred at the same time. This order is notable from other circumstances; for the Junta was afterwards blamed for not having profited by these propositions of Castillero. Another circumstance which makes me remember these transactions is, that the Fondo Dotal, of which I was taking care, became charged with certain additional liabilities in consequence of that order.

Q. 100.—What was the date of this order of the Minister of Hacienda, of which you have spoken?

A. 100.—It is not long since I saw the decree, and if I am not mistaken, it was on the 2d May, 1846. But the Junta consulted the government as to whether the payments which were usually made out of the Fondo de Azogue, were included in the prohibition; and the government did not answer until several days afterward.

Q. 101.—Did any matters come under the consideration of the Junta requiring the resolution of that doubt?

A. 101.—There were a great many which required to have two points settled, viz: whether the Fondo itself should be destroyed, or whether payments out of it were forbidden.

Q. 102.—Do you remember any particular applications to the Junta for payments which involved the construction of the order of May 2d? If so, state when and by whom made.

A. 102.—One of the applications for payment, was from the miners of San Luis Potosi, who demanded five dollars per quintal for quicksilver, which was the amount allowed them by law for quicksilver which they had extracted. This was one of the occasions which required the interpretation of the law of May 2d. We did not pay this amount. The application must have

been made before; the order for it was pending when that order was made.

Q. 103.—Do you remember any such applications subsequently to the order?

A. 103.—I do not. The contract of Castillero, itself, depended on the construction of this order, because if it had been construed in favor of the Junta, the agreement would have been carried out.

Q. 104.—Do you remember whether any communications passed between the Junta and the Ministry of Hacienda or any other department of government, relative to the construction of this order?

A. 104.—The Junta communicated with the government in relation to it. I presume it was through the Ministry of Justice, which I presume also consulted the Ministry of Hacienda.

Q. 105.—Examine the copy of the borradores of the actas of the Junta, now exhibited to you, and say whether on looking at those minutes you can refresh you memory so as to be able to recollect any other applications which required the construction by the Junta of the order of May 2d, 1846, with reference to azogue, or any communications between the Junta and any department of the government, touching the construction of that order?

A. 105.—I find on the 13th May, $300 was paid on account of the Fondo de Azogue; and on the 14th, I find there were certificates from San Luis, requiring payments of five dollars per quintal on two quantities of quicksilver; one of fifty-three, the other of seventy-eight quintals. In the session of May 28th, there is another demand for the premium on a quantity of quicksilver. On the 25th May, the Junta had not yet received a reply from the government as to the construction of the order, for I see that on that day the Junta ordered the draft on Mazatlan, for $5,000 to be procured for Castillero. On the 28th May I find the reply to the Junta from the Ministry of Justice, giving a construction to the order of May 2d. It is not exactly a construction of the order, but it directs the suspension of all payments for the extraction of quicksilver. The acta refers to the communication from the Minister of Justice, as "of yesterday," which would make its date May 27th. At the session of May 29th, I find an order directing the payment of twenty-five dollars to the notary for what he had done relative to drawing up the agreement with Andres Castillero. At the session of the 21st September, I find there was a communication to the Junta from the Ministry of Relaciones y Gobernacion, inclosing a dispatch from the Minister of Hacienda and acceding to the request of the Junta, and stating that the

Supreme Government had determined that the assets of the Fondo de Azogue should continue to be appropriated to the support of the College, and asking from the Fondo Dotal the sum of $2,500 in the nature of a loan. The remainder of the acta of that day, refers to the subject of that loan. These applications for payment, the Castillero business, and some others, were occasions on which it was necessary to consider the interpretation of that order of May 2d. I remember no particular instance which required a construction of that order, but the question arose in the usual and general business of the Junta. The payments to be made out of the Fondo de Azogue, were for expenses of the college, which had accrued to a considerable amount, for salaries of employes who had been recently employed, the old employes having been paid out of the Fondo Dotal. The premiums on quicksilver due to the miners, an amount due on a contract relating to the quicksilver mine of "La Largea," and the amount to be paid to Castillero.

Q. 106.—You have said you have recently seen a copy of the order of May 2d, 1846. Have you that copy?

A. 106.—I have it before me.

[Copy offered in evidence.]

[Objected, as not duly proved, and as incompetent evidence.]

Q. 107.—Examine the copy of the borradores of the actas of which you have spoken, and state whether you find any memorandum or minute therein, by which you will be able to state more exactly the transactions between Castillero and the Junta, and between him and the government, relating to the matters of which you have spoken in your answer to Question No. 95?

A. 107.—In this answer I will state only what I may have omitted to state in my former answer. The fact that Don Tomas Ramon del Moral had presented to the Junta the samples of quicksilver and letters I have mentioned, I find mentioned in its session of April 23, 1846. The report of the assay to which I have alluded appears in the acta of the session of May 4th. The order of the Junta, transmitting that report to the government, appears in the acta of the same session. The acta of the same session also states that the Junta had informed the government that it had requested Castillero to state what kind of aid he needed. The acta of the session of the 6th May, shows that it was at that session that Castillero appeared in person and made the representations to which I have alluded. At the same session the Junta determined to require him to submit his propositions in writing; at the session of May 14, the Junta received the com-

munication from the Minister of Justice, acknowledging the receipt of the communication of the Junta informing it of Castillero's discovery of the mine. At the session of May 25, the communication dated May 20th, of the Minister of Justice approving Castillero's propositions, which the Junta had sent up to the Supreme Goverment, and stating that it had transferred to the Ministry of Gobernacion Castillero's petition for two sitios as a colonist upon his mining possession. The Junta determines that an agreement should be drawn in due form and that a draft for $5,000 should be procured upon Mazatlan or Guadalajara, to which Mr. Castillero assented. I was not present at this session, but my supplente, Rosas, was. It was also determined by the Junta, that by the mail of Wednesday, the necessary orders should be sent to Tasco requiring all the quicksilver flasks in good condition, stored at that place, to be delivered to the order of Don Tomas Ramon del Moral—which Castillero was to pay for at two dollars each. Don Tomas del Moral was Director of the College of Mining in 1845, in consequence of the absence of Tornel. I remember it because I was President of the Junta in that year, and installed him in his office.

Q. 108.—Is he living?

A. 108.—He is dead; I think he died in 1847.

Q. 109.—Do you remember whether the Junta de Fomento made any report to any department of the government in the year 1846?

A. 109.—I think it was in November of 1846, that the Junta made a report to the Ministry of Relaciones—which had been asked for.

Q. 110.—By whom was it asked for?

A. 110.—The Minister, Don José Maria Lafragua.

Q. 111.—Do you remember seeing or reading that report before it was sent in?

A. 111.—I do; it was read at several sessions of the Junta, with the exception of a report headed "Conclusion." This was drawn by Don Vicente Segura, alone.

Q. 112.—Do you remember that the Junta received an order of the Minister of Relaciones to make a report; when the report was read and by whom sent?

A. 112.—I think all this happened in November, 1846; the time allowed us was very short, only eight days; the time was so short that the report could not have been finished if most of the work had not been done beforehand.

Q. 113.—Look at the borradores of the actas in "Exhibit Bassoco No. 1," and state whether you find any entries which will enable you to give the dates of these transactions.

A. 113.—In looking at the document referred to, I find that the report was called for by a dispatch dated November 3d, 1846; that the reading of the report was began at the session of the 9th November, and was concluded at the session of the 16th of the same month, when it was resolved that it should be transmitted to the Supreme Government. The receipt of this report is acknowledged in a communication from the Ministry of Relaciones dated December 4th, 1846, and received by the Junta on the 5th December.

Q. 114.—Have you ever seen a report made by José Maria Lafragua, Minister of Interior and Exterior Relations, made to the Sovereign Constituent Congress in the year 1846?

A. 114.—I have seen such a report by Mr. Lafragua; it was read by him in 1846; it includes the report of the Junta of which I have been speaking.

Q. 115.—To whom did he read it?

A. 115.—He read it in Congress.

Q. 116.—After that report was printed did you obtain a copy of it, and did you read it?

A. 116.—I did obtain a copy of it, and I read portions of it; I forget whether I bought a copy, or it was given me as a member of the Junta; I have it still in my library in Mexico; I distinctly remember having read it, on account of a conversation I had at the time in regard to it.

Q. 117.—Can you state when you first read the printed report?

A. 117.—I do not remember exactly; no doubt I read it first after it was published; I believe I did, but don't know exactly when it was published.

Q. 118.—Can you say whether it was published before or after you ceased to be a member of the Junta?

A. 118.—I read it long before I ceased to be a member; I think it was in the beginning of 1848.

Q. 119.—Are you sufficiently familiar with that printed report to be able to say whether or not the document now shown you is the same report?

[Question objected to, on the ground that it is not competent to show that the volume now produced is the same as the report read by Lafragua, or as that which the witness now has in his library at Mexico—it not appearing that he has ever compared the two.]

A. 119.—I have not the least doubt that this is a copy of the volume, and is like it in all respects; I think so because I have examined the report of the Junta in this volume, and it is correct in all respects, and also because it is very unlikely that there should be two printed versions of this same report.

Q. 120.—What original report of the Junta do you refer to?

A. 120.—I refer to the original report sent by the Junta to Lafragua, and which was delivered to me by the agents of Lafragua on my departure from Mexico, by order of the Minister of *Relaciones*, Bonilla, on my giving a receipt, binding myself to return it on my return to Mexico.

[All evidence relating to this document objected to, unless it be produced. Volume marked "Exhibit, Bassoco No. 3," offered in evidence. Objected to as not sufficiently proved.]

Q. 121.—Examine the document now shown you, and say what it is and where you procured it.

A. 121.—It is the original "*Memoria*," made by the *Junta de Fomento* to the Minister of *Relaciones*, of which I have already spoken. I procured it from Escalante, the agent of Don José Maria Lafragua, by order of the Minister of *Relaciones*, Bonilla, in the city of Mexico on the 24th April, 1859.

Q. 122.—In whose handwriting is the body of this report, and whose the names and rubrics signed to it?

A. 122.—I cannot state positively in whose handwriting the first part of the document is; I mean that part which precedes the "Conclusion." The part headed "Conclusion," Don Vicente Segura told me was written by his son, to whom he dictated it. The signatures to it are those of Vicente Segura and Ysidro Rafael Gondra, with their respective rubrics.

Q. 123.—Can you state how this report was found in the possession of the agent of Señor Lafragua?

A. 123.—I do not know positively; this paper should have been kept at the Ministry of *Relaciones*, but I presume that Lafragua for his own convenience and to work with greater ease took it to his own house and it remained among his own papers; he was sent as a special minister to Spain and I believe he is now in Paris; he was sent on this mission by Comonfort when his authority was superseded by Zuloaga; Lafragua's commission was withdrawn and he is not now in public employment.

Q. 124.—Is this report the identical document sent in to the Minister of *Relaciones* by the Junta in November, 1846?

A. 124.—I have no doubt of it.

Q. 125.—Before you left Mexico did you show that document to Don Vicente Segura?

A. 125.—I did; it was then that he told me that that portion of it headed "Conclusion," was written by his son.

Q. 126.—Did you have any conversation with Segura as to whether this was the identical report sent by the Junta to the Minister of *Relaciones;* did he identify it as such?

[Question objected to as hearsay.]

A. 126.—We both took it for granted that it was the document; he and I both considered it so; I don't remember that anything was expressly said in relation to its identification—neither of us had any doubt of its being the same document.

[Document offered in evidence, marked "Exhibit, Bassoco No. 4." Objected to, as not admissible in evidence.]

Examination adjourned until Monday next the 6th inst., at 11 o'clock, A. M. W. H. CHEVERS, Clerk.

SAN FRANCISCO, June 6, 1859.

EXAMINATION RESUMED FROM THE 4TH INST.

Q. 128.—Examine the document now before you and say what it is.

A. 128.—It is a traced copy of part of a book in which the actas of the Junta were copied.

Q. 129.—Have you compared this copy with the original actas in the book of actas?

A. 129.—I have.

Q. 130.—When, where, and in what manner was the comparison made?

A. 130.—It was made on the 13th of April of this year, and in the same manner as the borradores were compared.

Q. 131.—Is this copy a complete and exact copy of the original actas as contained in the book of actas therein referred to?

A. 131.—It is a complete and exact copy of those actas.

Q. 132.—State if you know whose rubrics are affixed to the actas of the several sessions in the book of actas, copies of which are found in the document before you.

A. 132.—As this is an exact and accurate traced copy, I can state, by looking, whose rubrics are on the original actas in the book of actas.

Q. 133.—Did you examine the rubrics affixed to the said original actas; do you know said rubrics, and the persons who signed them?

A. 133.—I did examine them; I know the rubrics and the persons who signed them.

Q. 134.—Say whose rubrics are affixed to the actas of the said several sessions.

A. 134.—The rubrics to the session of the 23d April, 1846, are those of Segura, Flores, and myself; the rubrics to the session of May 2d, 1846, are those of Segura, Flores and myself; the rubrics to the session of May 4th, 1846, are those of Segura, Flores, and myself; those to the session of May 6th, 1846, are those of Segura, Flores, and myself; the rubrics to the session of May 7th, 1846, are those of Segura, Flores, and myself; the rubrics to the session of May 9th, 1846, are those of Segura, Flores, and myself; those of the session of May 11th, 1846, are those of Segura, Flores, and myself; those of the session of May 13th, 1846, are those of Segura, Flores and myself; those of the session of the 14th May, 1846, are those of Segura, Flores, and myself; those of the session of 18th May, 1846, are those of Segura, Flores, and myself; those of the session of the 22d May, 1846, are those of Segura, Flores, and myself; those of the session of May 25th, 1846, are the rubrics of Segura, Flores, and myself; those of the session of May 27th, 1846, are the rubrics of Segura and Flores; the session of the 26th May, 1846, has no rubric; those of the session of May 28th, 1846, are the rubrics of Segura and Flores; those of the 29th May, 1846, are the rubrics of Segura and Flores; those of the 30th May, 1846, are the rubrics of Segura and Flores; those of the 21st September, of the same year, are the rubrics of Segura and Flores; those of the 5th November, 1846, are the rubrics of Segura and Flores; those of the 9th of the same month, are the rubrics of Segura and Flores; those of the 13th of the same month are the rubrics of Segura and Flores; those of the 16th of the same month are the rubrics of Segura and Flores; those of the 5th December, of the same year are those of Segura and Flores.

Q. 135.—Examine the signatures to the certificate affixed to this copy; say if you know the signatures, the person who made them, and the offices they held at the date of the certificates.

A. 135.—The first is the genuine signature of Manuel Couto. He was Secretary of the Junta which administered the *Fondo Dotal.* The second is the signature of Vicente Segura, the *Administrador* of the same *Fondo.* I know him personally and his signature. This is his signature. He was the *Administrador* of the *Fondo* at the date of the certificate. The signature which follows is that of Almazan. He was at the date of the certificate *Oficial Mayor del Ministerio de Fomento.* I did not know his signature before seeing it on this document. The next is the signature of J. Miguel Arroyo. I know him personally and his signature. He was at the date of the certificate, *Oficial Mayor del Ministerio de Relaciones.*

[Document offered in evidence. Objected to as inadmissible, because purporting to be copies of originals themselves inadmissible, if produced, because they are incomplete; and the certificates are objected to because they are unsworn *ex parte* statements; because there is no law authorizing the introduction of the certificates of Mexican officials and clerks as evidence in the courts of the United States. Document marked "Exhibit, Bassoco, No. 5."]

Q. 136.—On comparing these copies (Exhibit No. 5,) with the borradores (Exhibit, Bassoco, No 1,) I find that some of the actas of the sessions are signed in the borradores with the rubrics of certain members of the Junta, and that the actas of the same session as they appear in the book of actas are signed by the rubrics of certain other members. Can you explain how this happened?

A. 136.—I have also observed that some of the rubrics which are signed to some of the borradores are omitted in the book of the actas, and here and there in the book of the actas there is a rubric which does not appear in the borradores. I think that there was some delay in transcribing the borradores in the book of actas, and that the members who had assisted at the session were not present to sign and could not conveniently sign the clean copy in the book. These differences are omissions—not changes. I see but one change, which is in the session of May 25th, which in the borrador is signed by my *suplente*, Rosas, while in the copy in the book it is signed by myself. I think that Rosas assisted at the session, and not myself. This mistake I judge arose because on the 25th or 26th May I started for my estate in the country, from which I did not return until about the middle of July, after which date I probably signed a good many actas in the book of actas without having noticed this mistake.

Q. 137.—Examine the certificates affixed to the document now shown you. Do you know the persons who signed them, their signatures, and the offices they held, at the dates of the certificates?

A. 137.—The first certificate is that of Manuel Couto—it is his genuine signature; at the date of the certificate he was Secretary of the *Administracion del Fondo de Mineria.* The second is the genuine signature of Vicente Segura; at the date of the certificate he was *Administrador* of the same *Fondo.* The next certificate is signed by Almazan. I know him by sight, but do not know his signature. The next certificate is signed by J. Miguel Arroyo. He was, at its date, *Oficial Mayor del Ministerio de Relaciones.* The signature is his genuine signature.

[Document offered in evidence. Objected to for same reasons as those stated above and also because there is no proof that any original of this book exists. Document marked "Exhibit, Bassoco, No 6."]

Q. 138.—Examine this document, (Exhibit, Bassoco, No. 7,) and say what it is.

A. 138.—It is a traced copy of the expediente which exists in the office of the *Junta de Mineria*, relating to the affairs of Don Andres Castillero.

Q. 139.—Have you compared this copy with the original; when, where, and in what manner was the comparison made, and is this an exact copy of the original?

A. 139.—I compared it on the 12th April, 1859, in the office of the *Junta de Mineria*, in the same manner as I compared the actas, as heretofore described by me. I found it to be an exact copy.

Q. 140.—Examine the certificates to this copy; do you know the persons whose signatures are attached, their signatures, and the offices they held at those dates?

A. 140.—The first is the genuine signature of Manuel Couto; he held at the date of the certificate the office of *Secretario del Fondo de Mineria.* The second is the genuine signature of Vicente Segura; he held at the date of the certificate the office of *Administrador* of the same *Fondo.* The signature of P. Almazan I do not know; but I know that at the date of the certificate he was *Oficial Mayor del Ministerio de Fomento.* The next is the genuine signature of J. Miguel Arroyo; I know him and his signature. He was at the date of the certificate *Oficial Mayor del Ministerio de Relaciones.*

Q. 141.—Do you know in whose handwriting are the bodies of the originals; by whom are they signed, and do you know the signatures?

[The witness examines the document and proceeds to answer:]

A. 141.—I know all the signatures with the exception of one rubric which I do not know and which is repeated in different parts. I do not think it is a rubric but a mere countersign or mark of the Secretary's office. The signatures are all genuine. As to the handwriting of the body of the document I know some of it of my own knowledge; other parts I know by what has been told me in the office; other parts I do not know at all. The superscription is in the handwriting of the Secretary of the Junta, Don Ysidro Rafael Gondra. I know it because I have often seen him write and because it is very characteristic. What follows on the next is the minute or borrador of the dispatch

sent by the Junta to the Director of the College. The handwriting is that of the same Gondra. It has what I have already referred to as the countersign of the office attached to it. The next is in the handwriting of a person whom, I was informed, was called Roman; he was a clerk in the office. I don't remember ever having seen him write. I know his handwriting, having often seen it; it has the name of Herrera to it; I don't know whether it is a traced copy of his signature or not; it also has the countersign of the office. The next document, beginning on page No. 4, is in the same handwriting as the last; it has the same countersign which Couto told me he was in the habit of appending. The next document, on page 5, is signed by Don José Maria Tornel, Director of the College; I do not know the handwriting of the body of it. The first marginal note is written and signed by Segura. The second note is written by Gondra. The next document, on the reverse of page 8, is in the handwriting of the same Don Ysidro Rafael Gondra. The next document, on page 10, is signed by the Minister of Justice, Becerra; I don't know the handwriting of the body of it. The next, beginning on page 11, is in the handwriting of two persons; according to my information it it is in the handwriting of Saavedra and Roman; I do not know their handwriting. The marginal note is in the handwriting of Gondra; the interlineations in the body of the document are also in Gondra's handwriting. The next document, on page 19, is in the writing of the same Roman; the signature to it is that of Gondra. The last document is signed by the same Becerra, but the handwriting of it I do not know. In stating these documents to be in the various handwritings mentioned, I do not, of course, mean that this copy was written or signed by the persons mentioned—I mean that the writing and signatures of the originals are as I have stated. I know it by recognizing the handwriting of the originals as traced in the copy, and also by my inspection and examination of the originals in Mexico.

[Document offered in evidence marked "Exhibit, Bassoco, No. 7." Objected to on the same ground as the last; and also as unnecessarily encumbering the record.]

Q. 142.—Examine the document now shown you, and state what it is.

A. 142.—It is a traced copy of the expediente which exists in the office of the Ministry of Justice on the same subject.

Q. 143.—Please consider this answer, and state whether it does exist in the Ministry of Justice.

A. 143.—It began in that Ministry, but it is kept now and I compared it in the office of the Ministry of *Relaciones*.

Q. 144.—Have you compared this copy with its original; and when, where, and in what manner?

A. 144.—I have compared it with its original on the 15th of April, in the office of the Ministry of *Relaciones;* I made the comparison in the same way as I made all the other comparisons of which I have spoken. It is an exact copy of the original.

Q. 145.—Examine these documents and state in whose handwriting are the originals, whose are the signatures, and your means of knowledge.

A. 145.—The original of writing on page No. 1, I do not know; the next document, copied on page second of the copy, is I think in the handwriting of Couto, but I do not know positively. The first marginal note is in the same handwriting as the body of the instrument. The second marginal note is in a hand which I do not know. The signatures of the original are those of Vicente Segura, and the Secretary, Ysidro R. Gondra. The next document, a copy of which is found on pages 6—8, is the handwriting of Roman, and is signed by Gondra. The next document, copied on page No. 9, is in a handwriting which I do not know; it has no signature. The next copied on pages 10—16, is I think in the handwriting of Saavedra. I have seen him write, but I know his hand more by having seen his writing, and the information I received in the office. The first marginal note is in the same hand as the body. I do not know the handwriting of the second marginal note. The rubric to it is that of Becerra. The next document, copied on pages 17 to the reverse of 22, appears to me to be in the handwriting of Couto. I do not know the signature. The next, copied on pages 23, 24, is in a handwriting which I do not know. I do not know either of the rubrics attached to it. I have called this one document, but it is composed of two minutes. The certificate attached to this copy bears the genuine signature of J. Miguel Arroyo. At its date he was *Oficial Mayor del Ministerio de Relaciones.*

[Document offered in evidence marked "Exhibit, Bassoco, No. 8." Objected to on the same grounds as the last document.]

Q. 146.—Examine the document now shown you, and say what it is.

A. 146.—It is a traced copy of the expediente in the archives of the Ministry of *Gobernacion.*

Q. 147.—Have you compared it with the original; when, where, and in what manner; and is it an exact copy?

A. 147.—I have compared it; I made the comparison on the

14th day of April, 1859; I compared it in the same manner as I have already stated I compared the other documents; I compared it in the office of the Ministry; it is an exact copy.

Q. 148.—Do you know the handwriting and the signatures of the original?

A. 148.—I know none of the handwriting nor the signatures except that of Becerra. His signature is affixed to a dispatch, dated May 20, 1846, addressed to the Minister of *Relaciones y Gobernacion.*

Q. 149.—Are you acquainted with the signatures of J. Y. Anievas and J. Miguel Arroyo, attached to the certificates appended to this document; are they their genuine signatures; and what offices did they hold at the date of the certificates?

A. 149.—I do not know the signature of Anievas, though I have seen it. The signature of Arroyo is genuine. At the date of Anievas' certificate, he was *Oficial Mayor del Ministerio de Gobernacion.* At the date of Arroyo's certificate he was *Oficial Mayor del Ministerio de Relaciones.*

[Document offered in evidence marked "Exhibit, Bassoco, No. 9." Objected to on same grounds as the last.]

Q. 150.—Examine the document now shown you and say what it is.

A. 150.—It is a traced copy of an expediente which exists in the College of Mining relative to the same affair.

Q. 151.—Have you compared it with the original; when, where, and in what manner; is it an exact copy?

A. 151.—I have compared it; I made the comparison on the 14th day of April, 1859, in the College of Mining, and in the same manner as that in which I compared the other documents; it is an exact copy.

Q. 152.—Do you know any of the handwritings or signatures of the original; if so, which?

A. 152.—The writing of the first paper copied in this document appears to me to be that of Couto; it is signed by the President, Segura, and by the Secretary, Gondra. The marginal note is signed by Tornel, and I think written by him. The next document, copied on pages 3 and 4, is in the handwriting I think of Roman; it is signed by Ysidro Rafael Gondra; I say the same with reference to the document immediately following.

Q. 153.—Examine the certificates annexed to this copy; whose are the signatures, and what offices did those persons hold at their dates?

A. 153.—The first is signed by the Director of the College, Don Joaquin Velasquez de Leon; he was Director of the Col-

lege at its date. The second is signed by Almazan; he was *Oficial Mayor del Ministerio de Fomento.* I do not know his signature; I know he held that office at the date of the certificate. The last certificate is signed by J. Miguel Arroyo; it is his genuine signature; he was *Oficial Mayor del Ministerio de Relaciones*, at the date of the certificates. I cannot state that I know the signature of Velasquez de Leon, but I have no doubt that it is his.

[Document offered in evidence, marked "Exhibit, Bassoco, No. 10." Objected to on same grounds as the last.]

Q. 154.—Examine the document now shown you and say what it is.

A. 154.—It is a traced copy of another expediente which exists in the same college.

Q. 155.—Have you compared it with the originals; if so, when, how, and where; is it an exact copy?

A. 155.—I have; I compared it in the same manner as the other documents, on the 14th day of April, 1859, in the College of Mining; it is an exact copy.

Q. 156.—Are you acquainted with any of the handwritings and signatures of the originals; if so, whose are they?

A. 156.—I only know the signature of Tornel; I do not know the writing of the body of the instrument; the signature of Tornel is appended to the document copied on page 2. The certificate of Arroyo bears his genuine signature; he was *Oficial Mayor de Relaciones* at its date; Velasquez de Leon was the Director of the College at the date of his certificate; and Almazan was *Oficial Mayor del Ministerio de Fomento* at the date of his certificate.

[Document offered in evidence, marked "Exhibit, Bassoco, No. 11." Objected to on same grounds, and also other legal grounds of objection to which the document may be liable.]

Q. 157.—Examine the document now shown you; state what it is.

A. 157.—It is a traced copy of some leaves of a book in the office of the Ministry of Justice.

Q. 158.—Did you compare it with the original; when, where, and how; is it an exact copy?

A. 158.—I compared it with the original in the office of the Minister of Justice, on the 14th day of April, 1859, and in the same manner as I compared the other documents here spoken of; it is an exact copy.

Q. 159.—Do you know any of the handwritings in this document?

A. 159.—I do not know any of them.

Q. 160.—Do you know the signatures to the certificates to this copy?

A. 160.—That of Arroyo is his genuine signature. I do not know that of Alegria; he was *Oficial Primero del Ministerio de Justicia* at the date of the certificate. Arroyo, as I have several times stated, was *Oficial Mayor del Ministerio de Relaciones*, at the date of his certificate.

[Document offered in evidence, marked "Exhibit, Bassoco, No. 12." Objected to on same grounds as the last.]

Q. 161.—In the session of the *Junta de Fomento* of April 21st, 1846, it is noted as follows: "It was resolved that there should be recorded in the minutes as the opinion of Señores Flores and Bassoco, the official letter which was directed to the Supreme Government, which is as follows," etc.; who was the author of that letter?

A. 161.—I was the author of that answer; I dictated it.

Examination adjourned until Wednesday next, the 8th inst., at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

SAN FRANCISCO, June 8, 1859.

EXAMINATION RESUMED FROM THE 6TH INST.

Present: Messrs. Peachy, Billings, and Yale, for the claimant; the District Attorney and Mr. Randolph, for the U. S.

QUESTION BY COUNSEL FOR CLAIMANTS.

Q. 162.—Do you know the Professors Blas Balcarcel and Antonio del Castillo?

A. 162.—I have known them for a long time; I believe since 1842.

Q. 163.—Where are they now?

A. 163.—They are here in San Francisco; they came with me from the city of Mexico.

Q. 164.—Are you acquainted with Don Francisco Martinez Negrete?

A. 164.—I know him.

Q. 165.—Where is he?

A. 165.—He came with me from the city of Mexico, and is now in this city.

Q. 166.—Do you know Castillo Lanzas, former Minister of *Relaciones* in Mexico.

A. 166.—I have known him for many years; I believe since 1826, or perhaps before; he is here in San Francisco; he came with me from Mexico.

Q. 167.—Do you know what offices he has held in the republic of Mexico?

A. 169.—I have known him to be Minister of *Relaciones* twice—once during the Presidency of Paredes, and once during the administration of Zuloaga. He was Minister of the republic in England, and in the United States also.

Q. 168.—Do you know Messrs. José Maria Yrissari, Mariano Miranda, Velasco, and Francisco Villalon?

A. 168.—I know them; they are also here in San Francisco; they came with me from Mexico.

Q. 169.—How long have you known them?

A. 169.—Only since we left Mexico; we started together.

Q. 170.—Give a sketch of the policy of the Mexican Government to promote the discovery of quicksilver mines, and the extraction of that metal in the Republic.

A. 170.—Since the time the Mexican Government observed that quicksilver from the Almaden mines in Spain had reached a very high price, knowing that this would have an influence on the silver mines of the republic, it made the greatest efforts to obtain quicksilver at low prices. With this object it created the *Fondo de Azogue* of which I have spoken in this deposition. It authorized the Junta to contract for quicksilver from Spain. It offered rewards for the discovery of quicksilver mines in the republic; it caused the Junta to appoint persons to explore the country for the same purpose, in which explorations considerable expenses were incurred by the *Fondo*, and all without a favorable result, because there was no mine of good "*leys*" discovered in the country, and the propositions which it sent to Spain for the purchase of quicksilver were not so good as those made by Rothschilds. They arrived there after the quicksilver had been sold to the highest bidder, the Rothschilds. Such was the progress of this business up to the time that Castillero made the discovery of a quicksilver mine in California. There exists a report made by me to the Mexican Government in 1845, detailing the steps which had been taken to find quicksilver and the results which had ensued. I can present this report because I have it here.

Q. 171.—Is this the report?

A. 171.—It is.

Q. 172.—To whom was it presented; have you read this copy and do you know it to be a copy of the report made by you?

A. 172.—The report was made to the government, or to the minister with whom the Junta then communicated on such

matters. I have read this printed copy and know it to be a copy of that which I made; the report was presented in the form of an appendix to the previous report.

[Document offered in exidence marked "Exhibit, Bassoco, No. 13." Objected to.]

Q. 173.—How was the fact of the discovery of this mine received by the authorities in Mexico?

[Question objected to, because the feelings of the government can only be shown by its official acts.]

A. 173.—The government and the Junta received this intelligence with great pleasure, as quicksilver was the great desideratum of Mexico and no discovery had previously been made which promised so well.

JOSE M. DE BASSOCO.

OGDEN HOFFMAN,
District Judge.

[The above deposition having been read and translated to the witness was subscribed by him with the corrections mentioned in the note attached hereunto, on this 9th June, 1859.]

[Note of corrections made by witness on hearing read and translated his deposition in chief.]

On the deposition being read to the witness he corrects the first part of the answer to question ninety-third, as taken down by the Judge, by substituting the following answer:

"I remember that Don Tomas Ramon del Moral, exhibited to us two letters. One addressed to him by Don José Joachim de Herrera, who had been President of the Republic, in which was stated a part of contents of two letters received by him (Herrera,) from Castillero, and the other a letter addressed by Castillero to Moral himself."

In like manner the witness corrects the answer to Question 95 by substituting one hundred dollars in place of fifty dollars in that part of the answer which states the price per quintal of the quicksilver with which Castillero was to repay the loan of $5,000, by the Junta.

In like manner the witness corrects the same answer by substituting in place of the statement "that the Ministry of Justice sent a dispatch to the Ministry of Relaciones in order that on its part it should "decide" relative to the concession of the two sitios, the following: "The Ministry of Justice sent that dispatch to the Ministry of *Relaciones y Gobernacion*, in order that the matter should be carried into effect *i. e.* that the grant

should be made. For the Ministry of Justice had already determined that the grant should be made. It only communicated with the Ministry of *Relaciones* for the purpose of having it done."

In like manner the witness corrects his answer to Question 141 in reference to his knowledge of the handwriting of Roman and Saavedra by adding: "I have seen both of them engaged in writing, but I never observed it particularly while they were doing so; I know their handwriting by having seen it very frequently and being told that it was theirs."

In like manner the witness corrects the answer to Question 170 by stating: "I composed that answer; I did not dictate it."

JOSE M. DE BASSOCO.

Subscribed in open court, this 9th June, 1859, before me.

OGDEN HOFFMAN,
District Judge.

CROSS-EXAMINATION OF SENOR BASSOCO.

Cross-examined by Mr. Randolph, on the part of the United States.

Q. 174.—Do you not speak English?

A. 174.—I do not; I can translate and understand somewhat, but cannot speak it.

Q. 175.—How long have you been in San Francisco?

A. 175.—Since the 14th May, 1859.

Q. 176.—Where are you staying in San Francisco?

A. 176.—In the house of Messrs. William and Joseph Barron.

Q. 177.—Are you staying there as a guest of the Messrs. Barron?

A. 177.—I am.

Q. 178.—Are any others of the persons mentioned by you as having come from Mexico with you, also staying there as the guests of Messrs. Barron?

A. 178.—Yes, two of them are staying there.

Q. 179.—Which two?

A. 179.—Don Francisco Martinez Negrete, and Don Joaquin Castillo Lanzas.

Q. 180.—By what conveyance did you and your companions come from the coast of Mexico?

A. 180.—We came from San Blas in the steamer "Surprise."

Q. 181.—Did you come at your own cost on that steamer or at that of the Messrs. Barron?

A. 181.—At that of the Messrs. Barron.

Q. 182.—Mention all the persons who came with you on the "Surprise" at the expense of the Messrs. Barron.

A. 182.—I suppose they are the same as those who came here for the purpose of giving their evidence in this case. They are Señores Negrete, Castillo Lanzas, Miranda, Velasco, Yrissari, Villalon, Balcarcel, Castillo the Professor of Mineria.

Q. 183.—Is the Mr. Wm. Barron of whom you have spoken the person now in this room, and one of the members of the New Almaden Company prosecuting this claim?

A. 183.—He is.

Q. 184.—Did not you and the other witnesses also come down from the capital to San Blas at the expense of the same Mr. Barron?

A. 184.—We did.

Q. 185.—When you left the city of Mexico did you obtain any passport?

A. 185.—I did not,—not thinking it necessary, and also because I thought it would be dangerous to take a passport on account of the examination that it might cause to be made of us by the belligerents on the road.

Q. 186.—Is it not customary for persons leaving Mexico for a foreign country to take passports, in order to show their nationality, who and what they are, and that they are the persons they pretend to be?

A. 186.—It is the most usual way, but it always depends on the whim of the parties who are about leaving.

Q. 187.—Did it not occur to you that in this case the government of the United States, against which you were about to testify, would desire to have some official evidence to accredit you as the Señor José Maria de Bassoco, former *vocal* of the *Junta de Mineria*, etc.?

A. 187.—It did not occur to me.

Q. 188.—Was not Mr. Frederick Billings, the gentleman now present, one of the counsel for the New Almaden Company, also one of the party which came down with Mr. Barron, and the witnesses, and arrived here on the "Surprise?"

A. 188.—He was.

Q. 189.—After you have testified in this case how long do you expect to remain in California?

A. 189.—Only so long as is necessary to arrange for my departure and return.

Q. 190.—You are already anxious to return are you not?

A. 190.—I am not very anxious to return, for the present condition of Mexico is not very inviting.

Q. 191.—Still, as you have just said, you will return as soon as you can procure a passage?

A. 191.—I will, unless the news from Mexico should be such as to induce me to remain longer.

Q. 192.—Can you furnish me any references here that you are Señor Bassoco?

A. 192.—I can. In addition to the parties who came with me and Mr. Billings, Mr. Parrott knew me in Mexico, and Don Domingo Danglada also knew me very well in Mexico.

Q. 193.—When you return to Mexico will you return at the expense of Mr. Barron as you came?

A. 193.—It is very probable.

Q. 194.—Have you received or are you to receive any compensation or indemnity for the trouble you have been at in coming from Mexico to testify in this case.

A. 194.—In regard to that I will state: They were urging me for about two months in Mexico to make this trip, and amongst the various objections I had to coming and which those who were urging me to come sought to remove, was this, viz: the loss and injury which my interests there would suffer. To which it was answered that I would be indemnified according to what I should consider to be just. The determination of this indemnity will occur, if at all, only on my return to Mexico.

Q. 195.—Then I understand that the amount of your compensation or indemnity, is to be fixed by yourself when you get back to Mexico?

A. 195.—It is.

Q. 196.—At the time that you left the city of Mexico, who was the American Consul there?

A. 196.—He was named Black, but I believe that his exequatur had been withdrawn.

Q. 197.—By whom?

A. 197.—By the government then in possession of the capital, that of Miramon.

Q. 198.—Who was the American Minister then at the capital?

A. 198.—There was none.

Q. 199.—Where was he understood to be at that time?

A. 199.—At Vera Cruz; I do not know why he went there, but he recognized the Juarez Government.

Q. 200.—At the time then, that you left the capital, the government, the public offices, and the records, were in the hands of persons whom the United States did not recognize and who had just refused to permit the American Consul to exercise his functions among them?

A. 200.—They were; the offices and archives were in possession of the government which withdrew the exequatur.

Q. 201.—All the persons to whose official certificates you have testified to the documents shown you were at the time they made them, officers of this government at the capital of Mexico, which was unrecognized by the government of the United States, were they not?

[Objected to on the ground that it has not been proven that at the time the certificates were made, the government was unrecognized by the United States.]

A. 201.—On the contrary, they were, at that time, officers of a government which was recognized by the United States.

Q. 202.—Who was the last American Minister at the capital of Mexico?

A. 202.—I think it was Mr. Forsyth.

Q. 203.—About what time did he leave the city of Mexico?

A. 202.—If I am not mistaken, he left about the end of last year.

Q. 204.—Do you know of any cause for his leaving which was publicly assigned and talked about at the capital?

A. 204.—I have a very confused idea of the cause; it was owing to certain reclamations or demands that he made.

Q. 205.—Was it not notorious that he withdrew from all intercourse with the government at the capital on account of acts of violence committed by that government on Americans in the country?

A. 205.—I think the cause or the pretext of this step was certain demands or reclamations he made on the government, but I do not know to what subject they referred.

Q. 206.—Do you mean to say that you were living in the city of Mexico during the last year, and do not know that Mr. Forsyth withdrew from intercouse with the government of Zuloaga on account of alleged acts of violence towards American citizens?

A. 206.—I did live there without knowing more than I have stated; I have a very indistinct idea on the subject, but I remember hearing that he was, at first, on good terms with the government because he hoped to purchase a part of the Mexican territory—when he found he could not do so he took umbrage and became dissatisfied with the government.

Q. 207.—Have you any political preferences for either of the parties in Mexico; and if so, for which side?

[Objected to as irrelevant.]

A. 207.—Both parties have injured me, but one more than the other. The Constitutional party have injured me more than the other—I do not mean precisely the government but those who fought under its banners.

Q. 208.—During the time you knew Mr. Frederick Billings in Mexico, and during the two months that you were being urged to come to California to testify in this case, was not the city of Mexico, politically and socially, in a state of the utmost disorder and confusion?

A. 208.—It was in a state of confusion. It was besieged by Degollado's division from the 19th March to April 11th, and was in the condition in which cities are under similar circumstances.

Q. 209.—During the month of April, when you were comparing the copies in the various offices, as you have testified, was there not a very intense feeling of emnity to the government and citizens of the United States prevailing at the capital among the government or church party, as it was called; did you not hear that a state of terror prevailed among the American residents, and that on the retreat of Degollado many Americans were massacred on one pretext or another by the government or church party, and that the Americans were begging protection from the British Minister?

A. 209.—I do not believe that the feeling toward the Americans was different from what it had been before. I do not consider myself competent to state the feeling of any party after Degollado's retreat; twenty-one persons were executed at Tacubaya, but I do not believe there was one American among them.

Q. 210.—Then I am to understand that in April last you knew of no feeling of emnity prevailing among the government or church party, against the government or people of the United States, and that you never heard there were any Americans assassinated, or executed as you call it, at Tacubaya?

A. 210.—I did not know of any general or dominant feeling of that kind. I did not know of any American being executed at Tacubaya—on the contrary, my opinion is they were all Mexicans, and that there was not one American among them. I am now speaking of the time previous to the recognition of the Juarez Government by the United States. I do not know what may have happened since.

Q. 211.—As that was a notable event, perhaps you may remember at what time you heard of that recognition?

A. 211.—I can't speak of the date; I believe I heard of it about the middle of April.

Q. 212.—Why do you say that you cannot answer for the feeling of the goverment after they heard of that event, *i. e.*, after the middle of April?

A. 212.—Because it is very possible that that fact may have

embittered the feeling of the government at Mexico, and created a hostile feeling.

Q. 213.—About what time did you make up your mind to come to California to testify?

A. 213.—About the 8th of April, more or less.

Q. 214.—As soon as you had made up your mind to come, you went to work to compare the documents, did you not?

A. 214.—I did.

Q. 215.—On your direct examination you testified, that you procured the original of the report of the Junta, etc., made in the year 1846, from certain private hands, on an order of Bonilla, Minister of Relaciones; have you that order or any copy or duplicate of it?

A. 215.—I have neither one or the other. That order was received by Escalante, the person who had Lafragua's papers, who no doubt still retains it.

Q. 216.—About what was its date?

A. 216.—I do not know; but Escalante delivered the report to me on Easter Sunday, (April 24th.) The order must have been dated previously.

Q. 217.—Did you have it in your hands yourself?

A. 217.—No.

Q. 218.—How then do you know of its existence?

A. 218.—Escalante himself told me of it.

Q. 219.—Did Bonilla say nothing to you about it?

A. 219.—I spoke only to Mr. Billings and Escalante, about it.

Q. 220.—Then you have no knowledge, have you, whether Bonilla ever saw or heard of that document, *i. e.*, the report?

A. 220.—I do not know whether he ever had it in his hands, but he must have known of it, for the order which he gave referred to it and required Escalante to deliver it to me.

Q. 221.—Have you not said that you knew nothing of that order except what Escalante told you; can you swear of your own knowledge, that such an order ever existed?

A. 221.—I think I said that I had spoken of the order only to Mr. Billings and Escalante. I believe I have no knowledge of it except from what Escalante and Billings told me. Of my personal knowledge I cannot swear that such an order ever existed.

Q. 222.—Can you then swear, of your personal knowledge, that Bonilla ever heard of this document, *i. e.*, this original report?

A. 222.—Of my own personal knowledge, I cannot; I am satisfied of it, but I cannot swear to it of my own personal knowledge.

Q. 223.—After saying that you had no personal knowledge

of the order, and no personal knowledge whether Bonilla ever saw or heard of that report, you commenced to give reasons why you believe that the order existed and was of the tenor you have stated; state those reasons.

A. 223.—From what Mr. Billings told me, from what Escalante told me, and because Escalante would not have given me that document without an order. I presume that Mr. Billings had mentioned the existence of that document to Bonilla and had asked for an order for it.

[The counsel for the United States moves that "Exhibit, Bassoco, No. 4," be excluded from the deposition of the witness.]

Cross-examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, June 9, 1859.

EXAMINATION RESUMED FROM YESTERDAY.

Present: Messrs. Peachy, Billings, and Yale, for claimant; and P. Della Torre, U. S. Attorney, and Mr. Randolph, for the United States.

Q. 224.—Show me the passages in this document, (Exhibit, Bassoco, No. 4,) which relate to Castillero and his discovery.

A. 224.—There is a reference to it on page 15, on both sides, and on a page not numbered, but found between pages 23 and 24.

Q. 225.—Do I understand you to say that this report was not signed by the Junta?

A. 225.—I did not say where it was signed, I said it was read and approved in the Junta and that the Conclusion was dictated by Segura and written by his son as he told me.

Q. 226.—Was that part of the report which was read in and approved by the Junta signed, and by whom?

A. 226.—As I understand, that part read in the Junta was not signed; but the actas which stated it to have been read and approved, were signed after the Conclusion had been written by Segura; as I have stated, the whole was signed by him and the Secretary.

Q. 227.—Is there any other signature to this report than that to the twenty pages which you call the Conclusion, and which you say was dictated by Segura and written by his son, and which was not read or approved by the Junta?

A. 227.—The whole report was read to and approved by the Junta, otherwise it would not have been sent to the government as the report of the Junta. There were no signatures except at the end.

Q. 228.—Do you not call this chapter headed "Conclusion," a part of the report, and have you not said that that part was not read and approved by the Junta?

A. 228.—I do consider it a portion of the report. If I did state that that was not read and approved by the Junta, I was mistaken, because the actas of which I have spoken show that the whole report was read to and approved by the Junta, and the report was printed just as it is here. I stated, in order to show that I was particularly acquainted with the matter, that Mr. Segura told me that he had dictated it and that his son had written it.

Q. 229.—How is it that you replied to direct interrogatory No.— as follows: "It (the report) was read at several sessions of the Junta, with the exception of that part of the report headed 'Conclusion.' This was drawn by Don Vicente Segura alone"?

A. 229.—Segura did draw the Conclusion alone, but the actas of the session of November will show that the whole report was read to and approved by the Junta, and Segura as President would not have dared to send in a report without the previous approval of the Junta.

Q. 230.—You have not answered my question; I ask you why you stated circumstantially and explicitly that the first part of the report was read and approved, but that the Conclusion was not; why was it when you were asked if you remembered "seeing or reading" the report before it was sent in, that you did not then think of the explanation you have just given?

A. 230.—If I did state any such thing I was in error; my memory in regard to these matters rests on two things, viz: the contents of the actas, and what Segura told me; it was in order to show my acquaintance with those transactions that I specified what Segura had told me with regard to the writing and dictation of the Conclusion, and I am satisfied that the whole report must have been read to and approved by the Junta for the actas show it, and Segura would not have sent it in without such approval.

Q. 231.—After 1846, when was the next time that you saw these actas to which you refer?

A. 231.—As I was in the Junta until 1849, it was likely that as a member I occasionally saw these actas; after leaving the Junta in 1849, I did not see them until April last, when I made the comparisons.

Q. 232.—When, since 1846, was your attention first specially called to the acta of the session at which this report was read and approved?

A. 232.—I do not believe it was ever specially directed to the acta of that particular session until April of this year, when I compared all the sessions the actas of which have been produced, but my attention was not then particularly directed to this session more than to the rest.

Q. 233.—I understand then that you have no present knowledge of the reading and approval of this report, except what you derive from the statement of Segura of which you have spoken, and the contents of these actas which you have not particularly examined for about thirteen years?

A. 233.—My most firm belief with regard to those matters rests on what I see in the actas over my own rubric and also on what Segura told me recently, in April last; these are not the only bases of my recollection—I also have a recollection with regard to them, but it is a confused recollection, such as the weak memory of an old man of sixty-four would retain of matters which happened in 1846.

Q. 234.—You stated that a printed copy of Lafragua's report was obtained by you soon after it was published; please to state about what time that was, how it came into your possession, and any circumstances you may remember connected with it.

A. 234.—I can't state when I first saw it, but it must have been very soon after its publication, for I remember I felt an interest in it, I wanted to see what kind of a work it was, and whether the author showed any ability in it, whether he was a man of talents, and what his ideas of politics were. I also wished to see our own report. I remember that at the time I had these motives and that at the time I criticised it in a conversation, and stated that it was more valuable for the documents and statistics it contained than for any original merit in the report itself.

Q. 235.—Why did you not bring your copy of your report, which you say you obtained at that time, with you to California, with all the other documents?

A. 235.—I think it was because I was told there was a copy of it here.

Q. 236.—You said you do not remember whether you purchased your copy or whether it was distributed to you; by whom do you suppose it might have been distributed to you at that time?

A. 236.—I think either by the author or the ministry, in case it was distributed.

Q. 237.—What ministry do you refer to, and where was the author at that time?

A. 237.—When the seat of government was at Queretaro, I think the author was there also; he may have been there as a deputy to Congress; when the government returned to Mexico, he probably returned also. The ministry to which I refer was the same which caused the report to be published. When Lafragua read his report to Congress he was Minister of Relaciones and Gobernacion.

Q. 238.—You have not answered my question, it referred to the time when you obtained your copy. Please answer it.

A. 238.—I have said that I do not know exactly when it was published, but that I presume it was published about the year 1848; I infer this from what I see in a note at the end of the memorial.

Q. 239.—I must repeat my question: I ask you where was Lafragua at the time you obtained your copy of the report, and where was the ministry you refer to?

A. 239.—As I do not remember when I received my copy of the report I cannot answer this question.

Q. 240.—Where were you when you obtained it?

A. 240.—In Mexico, at the capital.

Q. 241.—What were you doing there at that time?

A. 241.—At that time I was a member of the Junta, and I had estates at Ixtlahuaca, the same that I now hold.

Q. 242.—What was the Junta doing in those times?

A. 242.—It administered the Fondo de Mineria, the administration of which consisted chiefly in the collection of the *real minero*, furnishing the necessary means for the support of the college and discharging its other duties for the advancement of the mining interests.

Q. 243.—By what authority were you at that time collecting the *real minero*, and by what conveyance (*conducto*) did you receive it?

A. 243.—By the authority of the law; and for its collection the Junta made a contract with the house of Mackintosh, who had agents at all the places where it was collected; and after that house failed, the Junta made a contract for the same purpose with the house of Jecker.

Q. 244.—Under the authority of what government were you then executing that law, and collecting that *real*, and engaged in developing and encouraging the mining interests in Mexico?

A. 244.—I don't know when I received the report, but take it for granted that I received it in 1848. Salas came in in August, 1846. His successor was Santa Anna. The invasion of Mexico terminated the official term of Santa Anna, and I believe his successor was Herrera.

Q. 245.—Is it then your recollection that at the time you obtained your copy of the report of Lafragua, you were in the city of Mexico acting as a member of the Junta which was then engaged in collecting the *real minero* and looking after the general mining interests of Mexico, under the authority of Herrera, then President of Mexico?

A. 245.—It seems to me that when I received my copy of this report, Herrera was President; I think so, but am not positive. I am positive that I was a member of the Junta when I received the report, and that it was collecting the *real minero*.

Q. 246.—Do you still mean to say that you received your copy a short time after it was printed?

A. 246.—That is my belief; I presume I obtained a copy of it very soon after it was published.

Q. 247.—Where did Herrera reside during his presidency; where was his government?

A. 247.—I don't know whether his government commenced in Queretaro; it ended in Mexico.

Q. 248.—Have you an idea at all that in the beginning of 1848, Herrera was in the capital acting as President?

A. 248.—I think the contrary, for the American army evacuated the capital about the middle of 1848, and Herrera could not have been President in the capital during its occupation, so that if he was President in the beginning of 1848, he must have been at Queretaro.

Q. 249.—Do you wish me to believe that whilst the American army occupied the capital the Junta was permitted to collect the *real minero*, or any other revenue, or to go on encouraging the mining interests of Mexico, and that Mexican ministers distributed copies of their reports among the various officials of the capital?

A. 249.—I can reply to this question very satisfactorily, for I well remember that when the American army approached the capital the Junta sent one of its members out of the capital to have an understanding with the collectors and to collect the *real minero*. I was the person who was charged with this, and I started for my estate June 30th, 1847. As soon as the American army took possession of the city of Mexico, I went to Morelia. By that time the Junta had sent dispatches to all the collectors to make their settlements with me. From Morelia I went to Queretaro; from there to Guanajuato to get the Governor of that State to revoke an order he had made appropriating the *real minero*, and from thence I returned to Queretaro, thence to Morelia, and Mexico, and the Junta passed a vote of thanks to me for having, under such circumstances, fully collected without loss the *real minero*, by means of the drafts I sent

them and which were paid by the house of Mackintosh. The American General not interfering (or mingling) with the matter—no doubt because he considered the *real minero* no part of the public revenue. This I suppose to have been his reason. I was the only member of the Junta who left during the American occupation, the other two members remained and continued without interruption in the general exercise of their duties as usual.

Q. 250.—In one word, you mean that the Americans permitted that branch of the Mexican Government which related to mining to go on as before?

A. 250.—I do; for at that time the Mexican Government had not appropriated the *Fondo de Mineria* as a part of the national revenues.

Q. 251.—When you made your excursion, down to what date did you collect the *real minero?*

A. 251.—I suppose up to about the end of 1847.

Q. 252.—When you were in Queretaro on that occasion, whom did you find there acting as President?

A. 252.—I think it was Peña y Peña.

Q. 253.—Was it before you left the city that you obtained your copy of Lafragua's report, or after your return; if after your return, how long?

A. 253.—It was after my return; but how long after, I cannot say.

Q. 254.—Do you know whether Peña y Peña, or Herrera, was President in the beginning of 1848?

A. 254.—I don't remember; Gen. Anaya was President *ad interim* at Queretaro. I now think that Peña y Peña was President in the beginning of 1848.

Q. 255.—Then it must have been under the government of Peña y Peña that the report of Lafragua was printed, and it must have been his minister who distributed it.

A. 255.—[The witness, on being shown the date on the printed volume, December, 1847, replies:] I believe that it must have been printed when Peña y Peña was President; and that if it was distributed, that it was probably distributed by the minister of Peña y Peña.

Q. 256.—Is Peña y Peña alive now; if so, where is he?

A. 256.—No, he died long ago.

Q. 257.—Who was his Minister of Relaciones at the time the report was printed and probably distributed?

A. 257.—All I can say with regard to that is, that in December, the minister with whom the Junta communicated was Don Luis de la Rosa. He died in Mexico.

Q. 258.—Do you recollect any one else who was in the ministry at that time?

A. 258.—I do not.

Q. 259.—Do you know how much it would have cost to print that book in Mexico at that time.

A. 259.—I am not conversant with matters of that kind; it would have cost more if done for the government than if done for individuals.

Q. 260.—How much do you think it would have cost the Junta to print one thousand copies?

A. 260.—It might have cost $8,000; but this is a mere guess.

Q. 261.—Do you form this opinion from what it cost the Junta to have printing done?

A. 261.—I base this opinion on an indistinct idea I have of the cost of printing some *cuadernos* of the Junta and other bodies.

Examination adjourned until Monday next, the 13th inst., at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, June 11th, 1859.

CROSS-EXAMINATION RESUMED FROM THE 9TH INST.

Present: Messrs. Peachy and Yale, for the claimant; and the U. S. Attorney and Mr. Randolph, for the U. S.

The interpreter being absent, the cross-examination adjourned until Wednesday next, the 15th instant, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

—

WEDNESDAY, June 15th, 1859.

Present: Messrs. Peachy and Yale, for the claimants; and Mr. Randolph, for the United States.

Examination adjourned until Friday next, the 17th instant, at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

FRIDAY, June 17th, 1859.

Present: Messrs. Peachy, Yale and Billings, for the claimants; Mr. Randolph and P. Della Torre, U. S. Attorney, for the United States.

Q. 263.—Are you able this morning to fix more precisely the time when you obtained a copy of Lafragua's report?

A. 263.—I can state nothing further than what I stated the other day.

Q. 264.—After the Mexican Government and army abandoned the city of Mexico to the Americans, about the middle of September, 1847, did not Peña y Peña, as Chief Justice of the Supreme Court, assume the office of President at Queretaro?

A. 264.—Since answering with regard to this the other day, I have refreshed my memory; I can now state that I remember well that Peña y Peña, as Chief Justice of the Supreme Court, became President of the Republic.

Q. 265.—Was he not succeeded in that office by Anaya, say about November, 1847?

A. 265.—He was not exactly his successor; there was a kind of interregnum during the presidency of Peña y Peña, during which Anaya was appointed President.

Q. 266.—Did not Peña y Peña resume the presidency in the month of January, 1848, and hold until after the peace was made?

A. 266.—I can't say exactly at what time he resumed the presidency, but I know he did so, as I remember he retained the office until the ratification of the treaty of peace.

Q. 267.—After that, was not Herrera elected President?

A. 267.—He was.

Q. 268.—Now, under which of these Presidents was it that you received your copy of the report?

A. 268.—It is impossible for me to state the relations of two facts to each other in point of time when I am ignorant of the date of one; I have already said that I did not know when I received my copy of that report.

Q. 269.—Have you not said that you received it a short time after it was printed, which by the note at the end of the volume appears to have been December, 1847; knowing then that it was a short time after December, 1847, can't you say who was President?

A. 269.—I believe I have stated that I must have received my copy as soon as it was published; but I have never stated precisely the date of its publication, but I believe I stated that it must have been published in 1848.

Q. 270.—You have said "I presume it was published in 1848, I infer this from a note at the end of the volume." Now, according to all the light, information, and grounds of influence you possess, who was President at the date of its publication?

A. 270.—I can deduce, argumentatively, that the *memoria* was published in 1848; and if so, and if during that year the office of President was held by Peña y Peña and Herrera, respectively, the publication must have been made when one or the other was President.

Q. 271.—Can you not say under which; whether it was in the first half or the last half of 1848?

A. 271.—I think this question is already answered; I have already said that I cannot state; I have stated from the beginning what my inferences were and that I did not remember when I received it.

Q. 272.—You were able to remember, quite precisely, that you were in Mexico, at the capital, engaged in your duties as member of the Junta when you received it. How is it that you do not remember who was President, or whether it was at the beginning or end of the year 1848?

A. 272.—I remember one because I remember that I did not receive it out of Mexico and therefore must have received it in the capital. I make this out by a negative induction; whereas with regard to the other, a positive recollection would be necessary as to who was President at the time.

Q. 273.—Have you then any positive recollection, or any ground of positive induction, fixing the time when you received the copy of this report; if so, what is it?

A. 273.—I have already stated why I infer that I received it as soon as it was published and after my return to Mexico; but I have no data that will enable me to remember when I received it.

Q. 274.—Can you swear positively that you did not receive it as late as the year 1849?

A. 274.—I remember no data at present which enables me to swear to that; but I can state that I left the Junta in the early part of 1849, and I am willing to swear that I received it before that.

Q. 275.—Is this negative or positive recollection; do you base it on any particular fact; if so, what?

A. 275.—My recollection is based solely on conversations which I had touching that report before I left the Junta.

Q. 276.—Might they not have occurred after you left the Junta; if not, why not?

A. 276.—It is possible, but I consider it very improbable;

and I believe that that report came into my possession on account of my being a member of the Junta.

Q. 277.—Then you must believe that you received it from some public officer?

A. 277.—I cannot state precisely the means by which it reached me, but I probably would not have received it when I did had I not been a member of the Junta, because I believe I received it as soon as it was published.

Q. 278.—If the date at the end of the report, showing it to have been printed in December, 1847, is not false, who was the Minister under whose charge the printing must have been executed?

A. 278.—I have no reason to believe it to be false, as I remember there were but two ministers at that time; Don Luis de la Rosa, whom I remember well, was Minister at that time; I am almost positive that there was a Minister of War, at that time; Mr. De la Rosa had charge of several ministries at that time, and it was with him that the Junta communicated.

Q. 279.—Do you not remember that he held the Ministry of Relations at that time, the same office that Lafragua had?

A. 279.—I do not remember.

Q. 280.—You have said there were but two ministers, one of whom was the Minister of War, and as Rosa did not hold that Ministry, must he not have been Minister of Relations?

A. 280.—I stated that there were but two ministers who discharged all the duties of the several ministries, and that there was a Minister of War; I am inclined to believe that Rosa then discharged the duties of Minister of Relations.

Q. 281.—If Lafragua's report was printed at Queretaro in December, 1847, then it must have been printed under Rosa's administration, must it not?

A. 281.—No doubt, if it was printed at Queretaro in December, 1847, it must have been during the administration of Rosa.

Q. 282.—Such being the case, and Rosa being the Minister with whom the Junta then communicated, then you should have received your copy from him, if you received it from any Minister at all, a short time after it was printed?

A. 282.—I have stated from the beginning, that I don't remember, precisely, when, or how, or through whom, the report came into my possession. I have given certain data by inference. I have stated that it came into my possession after my return to Mexico, and I believed, because I was a member of the Junta, but I have never ventured to say, positively, the exact time nor the means by which it reached me.

[The last question is repeated to the witness.]

A.—No doubt, if the facts supposed by the question are true, Rosa must have been the Minister. But of all the premises which the question assumes, there are but two derived from what I have stated, viz: that Rosa was the Minister with whom the Junta communicated, and that I believed I received the report shortly after it was published.

Q. 283.—Are you not mistaken in saying these are the only premises; have you not said that you know of no reason to suspect the date at the end of the report to be false but that, on the contrary, you suppose it to be true?

A. 283.—I have said that I had no reason to suppose the date to be false. I believe that I also stated that I supposed it to have been published in 1848, because the note and the date on the title-page show that it was printed in 1847, and that I supposed that the publication was shortly after the printing.

Q. 284.—Have you or have you not, any positive recollection that you received your copy of Lafragua's report from Rosa or any other Minister?

A. 284.—No.

Q. 285.—Do you know of Rosa or any other Minister distributing copies of this report to any official of the Mexican Government?

A. 285.—I have no positive recollection on the point, but I believe they must have distributed it, as it was the custom.

Q. 286.—If you bought your copy where did you buy it?

A. 286.—I stated it as possible, but not probable, that I may have bought it; but if I did buy it it must have been at the office where it was printed or some other place in Mexico where it was sold; but most probably at the place where it was printed.

Q. 287.—What "imprenta," or printing office do you refer to? describe its location.

A. 287.—I refer to the "imprenta" of Vicente Garcia Torres, situated at the ex-convent of the Espirito Santo in the street of the same name, in the city of Mexico. I state this from seeing the imprimatur on the title-page of the volume before me.

Q. 288.—If you purchased your copy at that printing office, then the note at the end which says it was printed at Queretaro is false, is it not?

A. 288.—I do not think the note states it to have been printed at Queretaro. The title-page shows it to have been printed at Mexico; it may have been printed at Mexico and published at Queretaro.

Q. 289.—Then you say, distinctly, that you see no contra-

diction between that note and the possibility of the printing having been executed at the city of Mexico and of your having bought your copy at the printing office there?

A. 289.—I find no such contradiction.

Q. 290.—Were copies of this *memoria* generally sold in Mexico a short time after the date of that note?

A. 290.—I do not know; I don't remember.

Q. 291 —On what account and for what purpose was it possible that such a document should have been sold in Mexico at that time?

A. 292.—One of the objects which authors generally have is to make their works known; and for such purpose, Mexico would be a better field than Queretaro.

Q. 292.—Do you mean that a short time after the date of that note, and when the American army were in possession of the capital, Lafragua might by possibility have caused this report to be sold, from the motives you have assigned?

A. 292.—I see but one reason which might have prevented him from having done so. That is, if it had contained anything offensive to Americans which would have rendered its publication dangerous while they remained there. I do not now remember if there is anything of that kind in the report.

Q. 293.—You have stated in the beginning that you thought you obtained the report in one of two ways, viz: by purchase or distribution; and you have said that it was possible, you did not think it probable, that you purchased it. Do you now incline to the belief that you got it by distribution?

A. 293.—I think it most probable that I did not obtain it by purchase, but in some other mode. I may have received it as a present. This is, however, a mere conjecture, I am very uncertain about it.

Q. 294.—After the 14th September, 1847, when Peña y Peña, a portion of the Congress, and some remnants of the army, reached Queretaro, was not the whole government of Mexico virtually dissolved for a time?

A. 294.—After Santa Anna abandoned the capital, Peña y Peña, as Chief Justice, assumed the presidency at Toluca. I do not remember what interval occurred between those events, but during that interval there was no government.

Q. 295.—Was it not then found difficult to establish the semblance of a government?

A. 295.—No; it was not very difficult.

Q. 296.—When the government of Peña y Peña was recognized at Queretaro, was it not without any regular sources of revenue and in a state of the greatest destitution?

A. 296.—It must have been very destitute of resources, for the ports occupied by the enemy produced nothing.

Q. 297.—Was it not notorious that they could not furnish full pay to the few soldiers they could collect about them, and that there was almost nothing for the officers?

A. 297.—I cannot answer in detail, but I repeat that the government was very destitute of resources, although the troops it had to maintain were but few.

Q. 298.—Do you not know that the government and those about it found the greatest difficulty in obtaining the means of subsistence from day to day?

A. 298.—I think they must have had considerable difficulty.

Q. 299.—Under such circumstances how do you account for their spending so large a sum as $8,000, or thereabouts, or even the half of it, in printing such a document as this memorial of Lafragua?

A. 299.—I desire to state that since giving my answer in which I estimated the probable cost of printing the report, I have become satisfied that I over-estimated it; I now think it could not have cost more than $4,000. I attribute the printing of it at that time to the efforts which the author made to have it done and to the efficacy of the steps he took for that purpose.

Q. 300.—Do you know of any such efforts, or is this merely a conjecture?

A. 300.—I have no special data; I found my opinion solely on my knowledge of what usually takes place in the world.

Q. 301.—What is there in it which would give this old report of Lafragua such importance in December, 1847, or a few months previous, as to justify the government at Queretaro in expending one single dollar in printing it?

A. 301.—Such a charge or argument could be applied to the greater part of the publications made by all governments, and yet they are made; with respect to the contents of this memoria I don't recollect all it contains, because since I read part of it at that time, I have not examined it until now that I have examined the part which relates to the Junta de Mineria.

[The counsel for the United States states to the witness that he requests him before the close of the examination to look over the report and to point out anything in it which he thinks may have been in the least necessary or useful for the government to have published at that time and under such circumstances.]

Q. 302.—Do you know of any other large book like this, or any other report, official document or pamphlet, of even one-

fourth the bulk of this report of Lafragua's, having been printed by the government established at Queretaro?

A. 302.—I know of none.

Q. 303.—Do you know of the government established at Queretaro having had any other report made in 1846, at or about the time Lafragua made his printed report at the public expense?

A. 303.—No, sir.

Q. 304.—Was any other report made by the ministers in 1846, ever printed at any time within your knowledge; if so, which?

A. 304.—I don't remember any.

Q. 305.—Then of course you have no copies of any such at home in your library?

A. 305.—That does not follow; I have many reports in my library; I don't remember by what Minister or when made; there have been a great many printed by the Mexican Government and a great deal of money spent in printing; I don't remember whether there are any for the year 1845.

Q. 306.—In conclusion, you mean then, that the report of Lafragua is the only ministerial report of 1846 that you know to have been ever printed, and the only large job of public printing that, according to any information you possess, was done in 1847—'48, by order and at the expense of the government established at Queretaro?

A. 306.—What I stated clearly was, that I did not know of any other report of 1846 having been printed. This job of printing is the only one done by or at the expense of the government at Queretaro of which I have any knowledge or at present remember to have heard.

Q. 307.—You have stated very positively that in December, 1847, the Junta communicated with the government through Rosa—please state what sort of communications these were.

A. 307.—They related to the Administration of the Fondo.

Q. 308.—Do you remember any, and what?

A. 308.—When I was at Queretaro in 1847, I made a representation to exonerate the Fondo de Mineria from certain expenses which had formerly been paid by the Fondo de Azogue; on this subject very warm discussions took place between the Junta and the government after I returned to Mexico at the end of January, 1848.

Q. 309.—Were these communications in writing; have they been printed, and where may they now be found?

A. 309.—They were in writing; they have not been printed; the expedientes must be in the archives of the Administracion of the Fondo Minero.

Q. 310.—By what conveyance did you communicate with Rosa from the city of Mexico after your return thither about the end of January?

A. 310.—By post.

Q. 311.—Who had charge of the posts from the city of Mexico at that time?

A. 311.—I think it was Don Anselmo Zurutuza, the *empresario* of the *diligencias.*

Q. 312.—From whom did he derive the authority to take charge of and direct the posts from Mexico at that time?

A. 312.—I cannot answer positively, but I presume from the American General, and that the Government of Mexico also agreed to it.

Q. 313.—Then it is your impression that there was a line of posts or mail line from Mexico to Queretaro, authorized by both the American General and the Queretaro government?

A. 312.—I suppose so.

Q. 314.—You think then, this was the arrangement while a state of war existed between the Americans and the Mexican government at Queretaro?

A. 314.—I think so; I think it must have been with the consent of both parties. It was not a private matter, but publicly done—every one knew it.

Q. 315.—Then through the public post and without opposition from the Americans, the Junta communicated from Mexico with Rosa in the usual course of business between the Junta and the Ministry to which it appertained?

A. 315.—It did.

Q. 316.—The Americans then permitted the government at Queretaro to maintain one of its dependent offices unmolested?

A. 316.—It did; but the character of the Junta must be borne in mind in this connection.

Q. 317.—Did not the American General at that time, and as from his situation he necessarily must, prohibit all functionaries and even all individuals from holding any communication with the government at Queretaro or executing their orders?

A. 317.—I do not remember; in my answers I have confined myself to the Junta de Mineria.

Q. 318.—Please mention specifically what was transacted between the Junta and Rosa during the period I have referred to.

A. 318.—I cannot mention more than what I have stated already; the discussions which arose were about the same matter in relation to which there were discussions at Queretaro.

Q. 319.—When the Junta put a communication into the mail for Rosa at Queretaro, was it addressed openly to the Minister of such a department?

A. 319.—I don't remember; I incline to think not.

Q. 320.—How do you incline to think the communications from the Junta to Rosa were superscribed?

A. 320.—We had a respectable and influential person at Queretaro, who was attending to our interests there, and it is very probable that our communications were inclosed to him.

Q. 321.—Who was he; and is the statement that the communications were inclosed to him conjectural or inferential, or have you any positive knowledge of the fact?

A. 321.—I remember it sufficiently to be certain of it. The person I allude to was Don Felipe Nevi del Barrio. He has been for a long time Envoy from Guatemala to Mexico, and is so still.

Q. 322.—Were the communications from Rosa to the Junta superscribed with the address of the Junta or were they also sent under inclosure?

A. 322.—I think they came through Don Juan M. Flores, and were superscribed with his name. He was a member of the Junta.

Q. 323.—Was there any intention of concealing this correspondence between Rosa and the Junta; if so with what object were these communications so sent?

A. 323.—I don't think there was any such intention, I think the object was to attain greater safety.

Q. 324.—If there was no object of concealment do you not think it possible that some communications passed which were superscribed with the names of the parties respectively, *i. e.* the Junta and the Minister?

A. 324.—There may have been, but Don Felipe Nevi del Barrio had influence with Pena y Pena, and that would be the principal reason for communicating through him. This gentleman had frequent communications with Don Juan Maria Flores, for they had married sisters.

Q. 325.—What was the necessity for the Junta to resort to the influence of a foreign minister to further its objects with the President of the Mexican Republic?

A. 325.—In the controversy which then existed those who had an interest in having the Fondo Minero pay the expenses which there were no other means of paying on account of the extinction of the Fondo de Azogue, exerted themselves much to prevent the Junta from accomplishing its object, which was to exonerate the Fondo Minero from those payments. The Junta availed itself of the services of Don Felipe del Barrio because he had influence with the government.

Q. 326.—What professorships were there which it was desired to charge upon the Fondo Minero after the extinction of the Fondo de Azogue?

A. 326.—I cannot give the details from memory; all the expenses which had formerly been paid by the Fondo de Azogue were charged to the Fondo de Mineria.

Q. 327.—Were those expenses so charged, actually paid out of that fund?

A. 327. They have been, and since that they have been increased. At present the amount paid for the college alone is $65,000 per annum.

Q. 328.—As you are perfectly well acquainted with the organization of the Mineria in all its parts, and in 1848 you were one of the persons charged with the administration of all its funds, you must certainly be able to tell me what professorships those were which were charged on the Fondo de Mineria after the Fondo de Azogue was extinguished?

A. 328.—I do not see the utility of going into this question, but if the Judge and counsel desire, I will look at the actas in court and give the information required.

Q. 329.—As the number of professorships was necessarily small, and as you were so intimately acquainted with the constitution of the Mineria, can you not answer my question without consulting any book?

A. 329.—I will endeavor to.

Q. 330.—Proceed.

A. 330.—The professor and expenses attending the botanic garden; the national museum; the professorships of geology and zoology; the professorships of ideology and Spanish grammar, and of German and gymnastics. There was besides a school of practical mining at Fresnillo established shortly afterwards.

Q. 331.—Are not the mines the principal interest of Mexico?

A. 331.—It is the common and received opinion, but for my part I think in Mexico as elsewhere the agricultural interest is the more important.

Q. 332.—Was it not the duty of the Junta to advance and promote the mining interest?

A. 332.—It was.

Q. 333.—Was not the *real minero* the source from which the Junta derived the revenues wherewith to discharge that great great public duty?

A. 333.—The *real minero* was established for that purpose, but it was afterwards encumbered with heavy debt. The tribunal hypothecated it for a large amount, and justice required that it should first be appropriated to pay that amount. It was nevertheless the source from which the means of maintaining the mining college were derived.

Q. 334.—Whether in discharging the old mining debt or sup-

porting the college or otherwise promoting the mining interests, was not the *real minero* a source of the revenues with which the Junta discharged its duties?

A. 334.—It was the only source up to the creation of the Fondo de Azogue in 1842, and it became its only source of revenue after the extinction of that fund in 1846.

Q. 335.—Such being the case do you mean still to say that the Americans did not regard the *real minero* as part of the public revenue?

A. 335.—I do say so. For that, I stated the Americans did not interfere with that fund. It was a fund belonging to the mining body as is stated in the *cedula*, or constitution of that body, and the *ordenanzas* say the same.

Q. 335½.—Was not the Junta a public body, a branch of the general administration of the country, and discharging public duties; if so, how can you say that the funds it administered were not part of the public treasury?

A. 335½.—I see no inconsistency in this. The old mining tribunal exercised judicial functions, it was thus far a branch of the public administration, but nevertheless this fund was never considered as public revenue during its time, nor did the government ever pretend to have the least control over the fund. The deputies of the mining districts examined and audited the accounts without giving any account whatever to the government, and such was the practice and belief until 1850, as I stated at my first examination. I do not mean to be understood that the tribunal existed until that time, but these opinions were acted on until 1850. This is a question on which reams of paper have been written in Mexico.

Q. 336.—I understand then that the Junta was a public body, but their revenue was a private fund?

A. 336.—It was a public body managing a fund which was a public fund, but not a part of the public treasury.

Q. 337.—Then it was a part of the public revenue appropriated specially to the interests of mining?

A. 337.—I don't so understand it to have been a part of the public revenue in the strict sense of the term, and as proof of this I will state that the decree which extinguished the tribunal allowed the contribution to continue only so long as might be necessary to extinguish the debt.

Q. 338.—As the Americans were there to subdue Mexico by destroying her resources, did it never seem to you strange that they did not meddle with a revenue which was intended to promote her mining interests, and do you assert that such was the fact?

A. 338.—It did not seem to me strange; it only confirmed

the view I had taken of the matter. The American General, if he examined, must have seen that by taking that revenue he would take nothing from the government, inasmuch as it was appropriated to the payment of a particular debt and the support of the college. The result of a contrary course would have been the closing of the college and the stoppage of the payment of the debt.

Q. 339.—Were not the revenues from the customs also appropriated to the payment of a particular debt and also in part to the quicksilver fund, and yet were not all those revenues appropriated by the Americans and the payment of the debts stopped?

A. 339.—In the first place, at that time there was no Fondo de Azogue. In the second place, the revenues from the Custom House were public general revenues. These revenues were in part dedicated to the payment of particular debts, the payment of which must have been stopped. The difference between the cases is, that in one the debts were due by the nation, in the other by the mining body.

Q. 340.—Did not the Americans in the places under their power appropriate all moneys of every description raised by authority of the Mexican Government?

A. 340.—I am not sufficiently acquainted with all the details to be able to say positively.

Q. 341.—From the best of your information and knowledge of the occurrences of those times, was not that their course?

A. 341.—It was probably their general course—but I cannot state whether in some cases they did not omit some things from ignorance or some other reason.

Q. 342.—You are certain that up to the treaty of peace the Junta continued as formerly to receive the *real minero* in the city of Mexico?

A. 342.—I have stated it. I am certain of it.

Q. 343.—Did the Americans intermeddle at all with the mining interests of the country?

A. 343.—The question is so general, and the mining interests comprise, directly and indirectly, such a number of things, that it would be impossible to say whether some may not have been touched.

Q. 344.—Did they not attempt to levy a tax on the gold and silver of the country?

A. 344.—If the question is whether the American General took possession of the taxes levied on the precious metals, I answer that I believe he did. If the question be whether he levied any additional impost on them, I answer that I do not believe he did; I have not the least recollection of his doing so.

Q. 345.—If he had done so, must you not from your official position have known it?

A. 345.—It is probable.

Q. 346.—Is it not certain?

A. 346.—I believe I should have known it, but it does not follow that I would now remember it.

Examination adjourned until to-morrow at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, June 18, 1859.

Examination resumed from yesterday.

Present: Messrs. Peachy, Billings, and Yale, for claimant. Mr. Randolph for United States.

Q. 347.—What was the result of the heated discussion between the Junta and the government of Queretaro?

[The witness here desires to state that the examination of the report which he was yesterday requested to make would involve much labor and take much time, and that he conceives that the utility of such examination would be entirely disproportioned to the labor it would require. The court and the counsel for the United States suggest to the witness that the object of the inquiry is to ascertain whether the book contains anything of such interest or importance to the Mexican Government as could have induced it, at such a time and under such circumstances, to make so large an expenditure, or even any expenditure at all. The witness thereupon says that before his departure he will cursorily examine the volume and indicate any parts of its contents which may strike him as likely to have induced the government to cause it to be printed at the time and under the circumstances referred to. The witness further observed that if the object of the inquiry be to ascertain the character of Mr. Lafragua, he can state that M. Turgot, the French Ambassador at Spain, in a note printed in Lafragua's memoranda with regard to the convention with Spain refers to him as "vir bonus dicendi pintus."]

A. 347.—The result has been that all the expenses which had been formerly paid by the Fondo de Azogue have since been paid by the Fondo Dotal de Mineira.

Q. 348.—During the time you were in communication with Rosa, as you have said, was there no order published by the American authorities in the city of Mexico, prohibiting the

publication or enforcement of any orders of the government at Queretaro?

A. 348.—I don't remember.

Q. 349.—Do you remember nothing of an order dated Dec. 10, 1847, signed by Persifer F. Smith, at the city of Mexico, prohibiting the promulgation or enforcement of any decree or order of the Mexican Government affecting the political rights of persons in the territories occupied by the United States?

[Order is shown to witness as printed in the *American Star*, a newspaper purporting to have been published in the city of Mexico, Dec. 11, 1847. The counsel for the claimant objects to the witness being shown the newspaper.]

A. 349.—I do not remember this order, nor any of a similar character.

Q. 350.—Do you remember no order which prohibited communications of any kind between the functionaries in the city of Mexico, and the Government at Queretaro?

A. 350.—I do not.

Q. 351.—You have said that you have no recollection that the American General imposed any new tax or contribution on gold and silver other than that previously imposed upon them. Have you any recollection that the order now shown you, or any order of similar purport, was published by the American Commander in Chief?

[Another number of the same newspaper is shown to witness, dated Dec. 4, 1847, containing the alleged order referred to—which is read by the witness.]

A. 351.—I have already stated that I had no recollection of any such order. The tax collected under this order was a substitute for, and nearly identical with, the tax collected by the Mexican government. It therefore, probably, did not strike my attention.

Q. 352.—Do you mean to say that this was an enforcement of an old tax and not the substitution of a new one?

A. 352.—I merely see in it the substitute for the export duty which had always been levied on gold and silver in Mexico. It is even less onerous, for it allows the exportation of silver bullion, which had previously, as a general rule, been prohibited.

Q. 353.—Was there no order of an American General which affected or referred to, in any manner, the *real minero* to which you have testified?

A. 353.—I think not.

Q. 354.—If there had been, must you not certainly have known it?

A. 354.—I believe I should have known it.

Q. 355.—Did or did not the American General expressly relinquish that fund to the Junta?

A. 355.—I have no recollection of such a fact.

Q. 356.—If he had so done must you not have known it?

A. 356.—I believe I should; but I would state again, as I did yesterday, with regard to another question, that it would not follow, because I knew it then that I would remember it now.

Q. 357.—Have you no impression on your mind that he did relinquish the *real minero* to the Junta, and that it was only by his permission that you proceeded to collect it?

A. 357.—I have no recollection of it. What I have stated is that the American General did not appropriate it.

Q. 358.—Look at this order, and state whether you remember any such disposition of the *real minero* by the American General.

[Another number of the same newspaper, purporting to have been published at Mexico January 1st, 1848, and containing a printed order purporting to have been made by Major General Scott, is shown to witness—said order containing the following words: "The one *real* per marc on both gold and silver heretofore paid to the college of mines in this city, is relinquished to that scientific institution and may be collected as usual."]

A. 358.—I have no recollection of this order, but I am very glad to find it, for it confirms what I have said with regard to the *real minero* and shows that the American General did not take it. I was at Morelia and not in Mexico at the date of this order. The American General is mistaken however in supposing that the *real minero* was levied on gold and silver, it was levied on silver alone.

Q. 359.—Do you remember anything of the other dispositions contained in that order and affecting the precious metals?

A. 359.—I have no recollection of any of those dispositions.

Q. 360.—As you remember nothing of the taxes imposed on gold and silver by the American authorities in Mexico, nor of the fact so vital to the Junta as the seizure of the *real minero* and its restoration to the college of mining, how is it that you remember so accurately so many minute and insignificant circumstances respecting Andres Castillero and his private affairs?

A. 360.—I deny in the first place that General Scott did ever appropriate the *real minero*, and afterwards restore it. In the next place those orders of the American General did not affect the *real minero* to the extent supposed by Mr. Randolph. The assay offices where it was paid in Mexico and Pachuca were under General Scott's control, but all the rich mineral districts such

as Guanajuato, Zacatecas, San Luis, Chihuahua, Durango, Guadalajara, and Sonora, paid the *real* to the collectors appointed by the Junta, who remitted it to me in drafts. To this circumstance I attribute the fact that this order did not impress itself on my memory. The reason why I remember the circumstances connected with Castillero's denouncement and the proceedings thereupon, I have already stated. One reason was the coincidence that the same order which extinguished the *Fondo de Azogue* was intimately connected with Castillero's matter, the other reason was, that having compared the actas and expedientes I had occasion to refresh my memory thereby.

Q. 361.—Can you give no better reason why you do not remember the acts of the American General affecting the mining interests and the Mining Junta, and yet remember the private matters of Andres Castillero?

A. 361.—I have already said that the orders of the American General did not much affect the interests in my charge as agent of the creditors, and his dispositions with regard to the export duties did not injure the mining interests, and that his other dispositions with regard to taxes on gold and silver coining, etc., did not, I believe, change in a perceptible degree the dispositions which governed formerly, and I think such will be found to be the case if the order shown me by Mr. Randolph be compared with that of November, 1842, which is printed in Halleck's work on the mining ordinances of Mexico.

Q. 362.—Was not the *real minero* paid to the Junta by the various assay offices throughout the republic, or did it not receive it from those offices?

A. 362.—The collectors appointed by the house of Mackintosh collected the *real* from the assay offices and transmitted it to the Junta by drafts on the house of Mackintosh.

Q. 362.—Did not the Americans take possession of the assay offices as well as the custom houses of the places they occupied?

A. 363.—I don't know to what extent they took physical possession of the assay offices, but those offices in places which they occupied were of course under their control.

Q. 364.—Then the Junta received the *real* from two distinct sources—from the assay offices which the Americans held by virtue of the relinquishment by General Scott, and from the assay offices in other parts of the republic under the authority of the government at Queretaro?

A. 364.—The Junta received the *real* from all places where it was due; I remember that the collector at Mexico was also the assayer appointed by the Junta itself; he no doubt continued as formerly.

Q. 365.—And this fund, collected from two hostile sour-

ces, the Junta went on to administer under the authority of the government at Queretaro, and in communication with Rosa?

A. 365.—I have already stated in my testimony that shortly after I left Mexico the Junta sent directions to the collectors to make their settlements with me, except the collector at Mexico, and after my return to Mexico the collectors communicated with the Junta directly as I had instructed them. The government refrained absolutely from intermeddling with the matter.

Q. 366.—As the assay offices were, with all their revenue, seized and administered by the Americans in the places occupied by them, and as the *real minero* was paid by these offices, how is it that you say the *real minero* was never intermeddled with by the Americans?

A. 366.—I stated that they did not intermeddle with it because they never appropriated the *real minero*, and because the Junta continued to discharge its duties without any interruption as they had always done. The important matter with me was that the Junta was allowed so to proceed, I therefore remember it and state it positively. The orders of the American General and other details did not concern me much.

Q. 367.—In what building in the city of Mexico did the Junta have its office?

A. 367.—In the building of Mineria, composed of three parts; in the center was the college, on the right the residence of the director, and on the left the house in which Don Vicente Segura lives. In the second court-yard of which house is the office of the Junta.

Q. 368.—Was this building or any part of it occupied by the American troops?

A. 368.—It was; but I think only the college.

Q. 369.—Speaking of the reading and approval of the report which the Junta made to the Minister of Relations in 1846, and of which you say that the document produced here by you was the original manuscript, you use the following language: "My most firm belief with regard to those matters, rests on what I see in the actas over my own rubric, and also what Segura told me recently in April last. These are not the only bases of my recollection. I also have a recollection with regard to them, but it is a confused recollection, such as the weak memory of an old man of sixty-four would retain of matters which happened in 1846." Have you any better recollection of the other matters and things mentioned in the acta?

A. 369.—With regard to the other matters, I base my recollection from what I see in the actas over my own rubric, and upon my vague recollection of those matters as I have stated. The conversation which I had with Segura as before stated, no longer aids me with regard to the other matters.

Q. 370.—How do you know that the actas which you saw in April last are in every word the same as they were written at the time at which they purport to have been written, and that they have undergone no change since the time they were written?

A. 370.—I could not have suspected that they have been changed unless I were partially demented, because there was nothing which could have suggested to me such a strange idea, for I saw the books and *cuadernos* in the possession and under the control of persons who, for the most part, were the same persons who had charge of them since the time I was there. I saw them at the same place. I saw my own rubric upon them, and the rubrics of other persons which I knew perfectly well. The contents of the actas reminded me of things which I knew, which happened to my knowledge. I also saw in them some papers which I myself had composed, knowing very well my own style, which has some peculiarities. All this constituted and constitutes for me all the evidence which the nature of the thing admits of with respect to the identity of those papers.

Q. 371.—Your memory being such as you have stated it to be generally, thirteen years having elapsed without your examining these actas, the contents of the actas consisting of a great variety of small particulars, what guarantee could you have that some things have not been left out and some things inserted since the year 1846; would the rubrics be sufficient to exclude the possibility of a change in the papers?

A. 371.—I have stated all the grounds or reasons for my belief, and which I think are sufficient to bring conviction to the mind of any reasonable man—still in answer to the question I will state that I do not consider it impossible that my rubric, or that of any other person, could be forged by a dexterous or able penman.

Q. 372.—What is a rubric?

A. 372.—It is a flourish, or arbitrary figure, which we usually put after our names.

Q. 373.—Do you know of any difficulty of imitating the rubrics which appear in these actas; could it not very easily be done?

A. 373.—I know of no special or peculiar difficulty in these rubrics which would prevent them from being forged or imitated.

Q. 374.—Might they not be imitated with the utmost facility?

A. 374.—I am the poorest expert in this matter.

Q. 375.—Do you mean that you are a poor expert to determine whether a rubric is genuine or false?

A. 375.—I mean I am a poor expert to answer with regard

to matters spoken of in the last question, whether those rubrics could be forged with facility or not.

Q. 376.—Are you skilled in determining whether rubrics are false or genuine?

A. 376.—I consider myself as competent as the generality of men in the enjoyment of a sound mind who judge of the identity of handwriting.

Q. 377.—That answer is not satisfactory. It conveys nothing to my mind. I wish to know whether you consider yourself skillful in detecting imitations or counterfeits of the rubrics with which you may be acquainted?

A. 377.—I think I have answered to the purpose. I have answered well. I stated that I was as capable of so doing as the generality of men, observing or stating that in matters which depend on the use of the senses persons of a certain age are less apt than those of a less age.

Q. 378.—In a word then, you claim no particular skill in the matter of rubrics?

A. 378.—I do not.

Q. 379.—Look at the paper now shown you, and state what it is.

A. 379.—I find two papers here with writing on them.

Q. 380.—What else do you find on that paper besides the writing?

A. 380.—I find four rubrics on it.

Q. 381.—What rubrics do you find?

A. 381.—I think they are Segura's, Flores', and mine. The last one I think is Rosa's. I think I see something strange in Segura's.

[Document filed and marked "Exhibit Bassoco A., O. H. Cross-Examination."]

Q. 382.—Are not these rubrics precisely the same as those in the actas?

A. 382.—I believe they are. In the matter of identity of handwriting even experts speak with hesitation or doubtingly.

Q. 383.—If the rubrics of which these are an exact copy were not in the actas, could you swear that those actas were not in every particular different from those which were drawn up thirteen years ago, at the time the events purport to have happened?

A. 383.—I would then be able to affirm it upon the grounds of belief which would remain to me, but the most solid (*poderoso*) grounds would then be wanting.

Q. 384.—Without those rubrics could you assert with the

least degree of confidence that the contents of the actas which you examined in April last, are the same with the contents of the actas which were drawn up in 1846?

A. 384.—Some of the actas I would be willing to swear to, even without the rubrics, because they were composed by myself, and I recognized peculiarities of my style. I should be obliged to examine each of the actas separately to ascertain if there were intrinsic marks of credibility to enable me to state whether it was genuine or not, and the degree of certainty with which I could testify as to its genuineness.

Q. 385.—Could or could not any examination at this day give you the least confidence that those of the actas which were not compared by yourself are identically the same with those which were drawn up in 1846, if the rubrics were wanting?

A. 385.—These hypothetical cases which are presented to me are embarrassing. If the actas should be presented to me without signatures, or without rubrics, I might think very differently of them. The reasons of belief would still be sufficient to enable me to affirm that they are genuine.

Q. 386.—Reflect well upon the answer you have just given. Remember that these actas are voluminous, and consist of a multiplicity of small details, and say whether it is possible for any man to remember for thirteen years such a series of disconnected and unimportant particulars.

A. 387.—Human belief is arrived at by considering the evidences for and against anything. I would believe these actas to be genuine because of the persons who had charge of them, the recollection of things which they remind me of, and the absence of any reason or ground for doubting their genuineness. Another reason for my belief of their genuineness, which I omitted to mention, and a very strong reason, is, that the only affair or matter referred to in these actas and in relation to which any interest whatever to falsify them could exist, is one in which I find them confirmed by five expedientes: one in the Ministry of *Relaciones*, one in the Ministry of *Justicia*, two in the College of Mining, and one in the Ministry of *Gobernacion*, besides which there is a document in the Ministry of Justice which confirms them also. The contents of the actas are interlaced and so closely connected with these expedientes and documents, and these expedientes and documents are found in so many different hands and places, that it is morally impossible they could have been falsified.

Q. 387.—You refer to the matter of Andres Castillero, now under consideration, do you not?

A. 387.—Yes.

Q. 388.—The expedientes in the matter of Andres Castillero,

claiming this quicksilver mine, are then the controlling consideration which would enable you to swear to the genuineness of these actas, even if they had no rubrics signed to them. Is that what you mean?

A. 388.—That question is not a correct resumé of my answers. In addition to the grounds which I stated for believing that they are genuine, without considering the rubrics, I also stated that as no one could have had any interest to falsify the actas excepting in relation to the affair of Castillero, and as I found them corroborated in that particular by the various expedientes and documents I have mentioned, that circumstance affords a very strong ground of belief in their genuineness independently of the rubrics.

Examination continued until Monday next, at 10 o'clock, A. M.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, June 20, 1859.

EXAMINATION RESUMED FROM SATURDAY LAST THE 18TH.

Present: Mr. Peachy and Mr. Yale, for the claimant; Mr. Randolph, for the United States.

Q. 389.—The actas are introduced here obviously for the purpose of proving the genuineness of the expedientes to which you allude; I cannot consent, therefore, that you should prove the genuineness of the actas by appealing to the expedientes. Laying aside, therefore, the expedientes and supposing there were no rubrics, would the other considerations you have mentioned be sufficient to give you the least confidence that there have been no alterations in the actas since they were made up in 1846—would you still swear to the accuracy of all these insignificant entries and memoranda of which the actas are composed?

[Question objected to.]

A. 389.—If I may be allowed to answer directly and frankly this question on the supposition that what is sought to be obtained from me is merely the truth, I will state that I have the most absolute conviction that those actas and expedientes are genuine and true, and that Lafragua's report was printed and published at the time and place it purports to have been. I have compared the report of the Junta contained in it with the original which I have brought. I find only insignificant dif-

ferences in the composition. With regard to the question last put to me, it supposes an extreme case, I should then be obliged to examine each acta separately to see what evidences of genuineness it bore. I do not mean by this to detract in the least from what I have said with regard to them.

Q. 390.—Could you, under the conditions supposed, swear to the accuracy and genuineness of these actas from any examination you have made either in Mexico or here?

A. 390.—I think I have already answered the question. But, nevertheless, I consider it very hard for a witness to have to determine a purely hypothetical question. Of course, I have never made such an examination with a view to a case which has not occurred. If it should occur then I might make such an examination.

Q. 391.—I now require you to answer yes, or no, whether any examination you have heretofore made of these actas will enable you to swear to their accuracy and genuineness, laying out of view the rubrics and expedientes?

A. 391.—I am so thoroughly convinced that the actas are genuine which I have brought here that if I were asked whether they were genuine, irrespective of the expedientes and signatures, I should certainly say they were.

Q. 392.—Apart from the aid which in your mind the actas derive from the expedientes, is not the certainty of their accuracy and genuineness merely proportioned to the difficulty or improbability of the forgery of the four rubrics or flourishes of which I have handed you exact copies?

A. 392.—I think I understand the question; but it is impossible for me to exclude from my mind considerations or grounds of belief which I have, and to place myself in a purely hypothetical situation. What would be my opinion in the case supposed, I am unable to state.

Q. 393.—My present business is of a purely metaphysical character; I wish to ascertain the operations of your mind and test the value of your recollections on the subject of these actas, by examining separately the different grounds of your belief in their genuineness. Please to answer me categorically whether if a man had been skillful enough to forge those rubrics or flourishes, he might not have been able to make any changes in them he liked, without any probability of your being able to detect them from memory?

A. 393.—No, I do not believe he could.

Q. 394.—Are you not aware that from the nature of these actas, your present assertion is that of a memory impossible in any man?

A. 394.—As I understand the question it was, whether a for-

ger could have put anything he pleased in the actas, if he had the ability to forge the rubrics. To that I still answer no. For instance, if he had stated in the acta that Castillero's matter had occurred in 1848 or 1850, I would have known it to be false.

Q. 395.—Might not the forger in the case supposed have inserted memoranda concerning Castillero, which were not in fact contained at all in the actas of 1846, or might he not have made variations in such entries, if in fact any such had been made in 1846, without, in either case, your being able to detect the fraud from your memory?

A. 395.—It would depend upon the nature of the changes or interpolations he might make.

Q. 396.—Might he not have inserted all the notes or memoranda relating to Castillero, when in fact nothing had occurred in 1846, or might he not have substituted these entries for others of an entirely different nature without your being able to detect it from memory alone?

A. 396.—I think I should have detected it.

Q. 397.—Supposing as before the rubrics to have been forged, will you now swear that no change could have have been made in those entries of 1846, concerning Castillero, varying in many essential particulars their tenor and effect without your discovering the fraud?

A. 397.—In Mexico we have a saying which I am reluctant to give, for it might be considered disrespectful though it would be responsive to the question; we say to such questions, *quien sabe;* but I will proceed to answer the question: I believe I should have discovered such changes if they had been in many essential particulars.

Q. 398.—Could *any* such essential change have been made without your detecting it?

A. 398.—There is a good deal within the limits of possibility, but I doubt it.

Q. 399.—Are you at all confident that no such change could have been made?

A. 399.—My mind is not so constructed as to enable me to tell the precise degree of confidence I would have that no one change had been made.

Q. 400.—A witness of your intelligence ought to have some skill in the use of the mental thermometer as you call it—I repeat my question.

A. 400.—I am inclined to believe I think it probable that I would have discovered any essential change, but this does not amount to an absolute conviction that I would have done so.

Q. 401.—Does not a law in Mexico prescribe in what man-

ner signatures shall be affixed to instruments of various descriptions, determining that some shall be signed by the rubric alone, others with the surname and rubric, and others again with the full name and rubric?

A. 401.—There is a law which requires that judicial instruments shall be signed with the full name; I do not remember that the law mentions the rubrics; this is the only law which I remember prescribing the mode of signing judicial documents.

Q. 402.—Is there or is there not a law in Mexico prescribing the manner in which signatures shall be affixed to official documents and regulating the mode of doing so as I have above described?

A. 402.—There may be such a law but I do not remember, such things are rather determined by custom and regulations than by law; by regulations, I mean rules prescribed by the Executive for carrying into effect a law.

Q. 403.—Is there no law or *reglamento* in Mexico prescribing the manner in which the decrees of the Supreme Government shall be signed?

A. 403.—No doubt there is either a law or regulation on the subject.

Q. 404.—Do you not know what it is?

A. 404.—I have often read of that matter but I do not now remember what the provisions of the law are.

Q. 405.—Can you refer me to some book or authority in which I can ascertain those provisions?

A. 405.—It will be found in the collection of *decretos* of Mexico.

Q. 406.—Is there no law or regulation in Mexico prescribing the manner in which the dispatches of Ministers, communicating dispositions of the Supreme Government, shall be signed?

A. 406.—I think there is such a law or regulation, but I have but a vague recollection of it. There have been orders and counter orders on the subject.

Q. 407.—Is there not such a law or regulation in Mexico, with reference to the signing of the definitive acts of every official in the Mexican Government?

A. 407.—I cannot venture to say that there is any which embraces all the officials, but as I have said before, there are several dispositions with regard to that matter.

Q. 408.—Did you not say just now that you knew of no dispositions on this subject except those which prescribed that judicial documents should be signed with the full signatures?

A. 408.—I said first that I remembered there was a law which required the full signature to judicial documents; I afterwards stated that there were various dispositions on the subject

in laws or regulations, but most commonly in regulations, but that I did not remember what they were.

Q. 409.—Was there no law or regulation prescribing the manner in which the *Junta de Mineria* should sign various instruments; if so what was it?

A. 409.—There was none; I do not make any explanations about it because I am required to restrict my answer to the question put to me.

Q. 410.—In what manner and under what authority regulating it was the Junta accustomed to sign the various instruments executed by them?

A. 410.—The communications of the Junta were signed by the President and Secretary, who affixed their full names with their rubrics. The actas we signed with our own rubrics alone. I think the authority for this was custom.

Q. 411.—Did not the Junta sometimes sign contracts, conveyances, deeds, etc.; if so in what manner?

A. 411.—Yes, they sometimes signed them. If all the members took part in it, all signed; if not, the President alone. It depended on the character of the transaction. The full name, with rubric, was always used in such cases.

Q. 412.—In those cases in which the whole Junta, as a body, was to be bound by the instrument, in what way was it signed?

A. 412.—In cases in which they all acted, they all signed the full name with the rubric.

Q. 413.—My question is not precisely as to those cases in which the members all acted, but as to those in which the Junta, as a body, was to be bound. In these latter cases whose signatures were required to be affixed, and in what manner?

A. 413.—The Junta always acted as a body. In official communications the President and Secretary signed on behalf of the whole Junta, and I believe that instruments executed before a Notary were signed by all the members.

Q. 414.—Why do you speak of instruments before a Notary when my question related to instruments, such as conveyances, contracts, etc., by which the Junta as a body was to be bound?

A. 414.—The contracts made by the Junta were few, with regard to those instruments which were not executed before a Notary; I do not remember how they were signed. I do not remember any case in which such a contract was signed by all the members, nor any in which it was signed by the President and Secretary; as I before stated, when the contract was before a Notary all signed.

Q. 415.—Was there any other mode which you have known to be observed, or for which you know of any authority, by which the Junta as a body could bind itself by writings of the

class referred to, except such as were executed before a Notary?

A. 415.—The Junta did make contracts of that kind without making them before a Notary; its contract with the houses which collected the *real* were not made before a Notary.

Q. 416.—Were there any instruments so executed except those relating to commercial transactions; were there any in which the Junta bought or sold, or assumed obligations in respect to immovable property?

A. 416.—I think there were.

Q. 417.—You think, then, that the Junta might buy or sell, or charge immovable property by instruments not executed before a Notary, and that in some instances they did so?

A. 417.—I think they could buy or sell, but not hypothecate or charge; they bought and sold so little that I cannot remember; I have an indistinct recollection of their having sold a house at Pachuca; I think they also sold property at Tasco, but it was not immovable.

Q. 418.—On the whole, then, you cannot swear that the Junta did not execute any of that class of instruments relating to immovable property otherwise than before a Notary, nor in what manner they were required to be signed?

A. 418.—I cannot swear that the Junta ever did go execute a document of that kind without going before a Notary, nor how they were required to be signed, except so far as I have already stated.

Q. 419.—Under such circumstances, is it not fair to presume that there was neither law nor custom for the Junta to convey or receive immovable properly otherwise than by an instrument executed before a Notary?

A. 419.—It is not probable that the Junta would have bought or sold immovable property without the authority of government. If it were fully authorized I should not think it would make much difference whether the instrument was executed before a Notary or not. The law of December 2, 1842, shows what the powers of the Junta were.

Q. 420.—For example, authorized as the Junta were in the case of Andres Castillero, you think it made no difference how the papers were executed, whether before a Notary or not?

A. 420.—I suppose even then it was of some importance, for the Junta in that case had it done before a Notary; they considered it proper to do so, although it contained neither a sale or mortgage of immovables.

Q. 421.—You say that the arrangements with Castillero was neither a sale or mortgage of immovables; was it a deed of gift, or what was it, in your estimation?

A. 421.—In my estimation, it was a loan to encourage his enterprise.

Q. 422.—Can you give me any reason for considering it a loan?

A. 422.—I can; the Junta were giving him thereby, $5,000; they were giving him the flasks to put quicksilver in, which it had at Tasco; it was giving him retorts to distill *azogue;* and, in addition, they were to give various articles of the value of $1,000, and Castillero bound himself to pay all with *azogue*, which he was to place at Mazatlan at a price agreed upon. This arrangement is the one I have said appeared to me to be a loan.

Q. 423.—Then you mean to say, not that it was a loan which they made, but which they were going to make, when the business was broken by the decree extinguishing the *Fondo de Azogue*, you have spoken of.

A. 423.—It is true it never was carried into effect.

Q. 424.—Which of the actas are those you have alluded to as composed by yourself?

[The witness examines the actas.]

A. 424.—In that of September 21, 1846, I composed the answer given to the government; this is all in Exhibit No. 1.

Q. 425.—What are the peculiarities of style which enable you at this day to swear that that answer to the government was composed by yourself and not by any other member of the Junta?

A. 425.—This would involve a lengthy and philological discussion; it is simply a question of grammar, and rather a lengthy one. There are two schools of grammarians, who differ as to certain questions relating to the oblique cases of the personal pronoun *el* without a preposition. It might seem ridiculous to enter here upon such a discussion.

Q. 426.—The matter of your answer to the government of Mexico, having been agreed upon and settled with another member as the answer of the Junta, and not being very long, and thirteen years having elapsed, can you put your finger on anything so salient and remarkable, as will enable you to swear that it was composed by yourself and not by any other person?

A. 426.—In the sentence which commences: "*El Fondo Dotal consiste en el pago de un real por marco de once dineros que con autorisacion legal, se impuso, el cuerpo, de Mineria para formarle,*" etc., I know of but one other Mexican writer who would not have said "*formarlo.*" Four other instances of the same peculiarity of expression occur in the subsequent parts of the same letter.

Q. 427.—Who is the only other Mexican who would use "*le*" instead of "*lo*," after an active verb?

A. 427.—There was no other person connected with the Junta who would have used that word. The writer to whom I alluded is Don Anselmo de la Portilla, who is now or lately was in the United States; he is the only writer with whose style I am acquainted who would have used this form of expression.

Q. 428.—Can you tell me of any works published by him in order that I may find some specimens of his style?

A. 428.—Mr. Portilla used to write in the *Universal*, a journal published in Mexico; but it is to be observed that printers sometimes change "*le*" into "*lo*," being more accustomed to the latter. A manifest or message of Comonfort written after his arrival in the United States, was I think, written by Portilla; Portilla has also recently published under his own name, a work on the administration of Comonfort.

Q. 429.—Now is not this question as to the use of "*lo*" and "*le*," a matter of common dispute in Mexico, many others besides you and Señor Portilla, using "*le*" in the manner you have indicated?

A. 429.—It is not discussed in Mexico. I know of no other writer besides him who uses "*le*" as I have stated.

Q. 430.—Is not the decree establishing the Junta to be found in the *Ordinanzas de Mineria?*

A. 430.—It is in the edition with which I am acquainted, which was published since the old edition. It is in the edition published in 1846, and also in another edition, and I suppose in all printed since.

Q. 431.—The decree of Dec. 2, 1842, contained the whole organization of the Junta, did it not?

A. 431.—A decree was soon after made, prescribing the "*planta*" of the Junta or the officers to be employed, their duties and salaries, etc. There were also other decrees prescribing the manner of managing and using the *Fondo de Azogue.*

Q. 432.—I mean, did not the decree of Dec. 2, 1842, provide entirely for the organization of the Junta proper? I have no reference to its servants or employés, nor to the fund.

A. 432.—Yes, that decree did establish the Junta, itself, but a decree was soon after made to remove some mistakes in the first decree with regard to the rotation in the presidency and some other trifles.

Q. 433.—Under what provisions of that decree were you, as agent of the creditors, entitled to a *suplente?*

A. 433.—If it is not in that first decree it is in some of the subsequent ones; several were made.

Q. 434.—I have asked you very particularly whether there was any other decree affecting the organization of the Junta, itself; you said there was none; how could you fall into an error upon the question whether there was or was not a person entitled to represent you in that body?

A. 434.—I also stated that there was a subsequent law.

[The witness refers to the *Ordinanzas*, and points out, on p. 210, the law of January 31, 1843, as that which authorized the appointment of his *suplente* in the Junta.]

Q. 435.—Then you say, that it was not under the decree of December 2, 1842, but under that of January 31, 1843, that you, as a member of the Junta, were entitled to a *suplente?*

A. 435.—The first law says nothing about it; it was therefore by virtue of the supplemental law of January, 1843.

Q. 436.—Was it from memory, alone, that on your direct examination you gave the names of the various officers who have been employed in and about the Junta since its organization, or are they to be found in some book or directory; if so, what?

A. 436.—I believe I gave them from memory.

Q. 437.—Did you not consult a *guia de forasteros* like this now shown you, or some other book, containing the *planta* of the Junta?

A. 437.—I did not; nearly all the persons referred to in that book were "sleeping the sleep that knows no waking," when it was printed.

Q. 438.—Is not the account you gave of the *Fondo Dotal* or *real minero*, to be found in published histories or published laws of Mexico?

A. 438.—No doubt it is shown more or less extensively in various works. It is spoken of in Allaman's History, which is for sale here in California; it is also contained in the *Ordinanzas.*

Q. 439.—Did the *Fondo Dotal* or *real minero* at any time during your connection with the Junta more than suffice for the payments on account of principal and interest of the debt of $5,000,000, with which it was burdened, and for the support of the Mining College?

A. 439.—During the six years I was connected with the Junta, there was seven years' interest paid, because there were payments on account, of old interest. The college was maintained, the *Fondo Dotal* paying its proportion; some of the principal was paid and some amounts were lent to the government; after the creation of the *Fondo de Azogue*, that fund paid the additional expenses newly incurred.

Q. 440.—Then you had no surplus to apply to the encouragement or *fomento* of mining?

A. 440.—Not of the *Fondo Dotal.*

Q. 441.—Then, in effect, during the whole time you were a member, the Junta acted merely as a board of liquidation of the affairs of the old *Cuerpo Minero?*

A. 441.—No; the Junta did everything which its title implies; it administered and encouraged with funds, when that was necessary, out of funds of the *Fondo de Azogue*, while there were any, and it sustained the college out of both funds.

Q. 442.—The question which I have just put, was intended to apply only to the *Fondo Dotal;* with respect to that fund, did they perform any other function except to apply it to the liquidation of the debt and the support of the college?

A. 442.—The *Fondo Dotal* was not applied to any other purposes; but the Junta performed some of its other duties, with regard to mining interests, which did not require the use of money. For example: It attended to the organization of the mining deputies under the central system, and they communicated with the Junta; the Junta also made such reports to government on mining matters as it required.

Examination adjourned until to-morrow, at 10 o'clock, A. M.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, June 21, 1859.

EXAMINATION RESUMED FROM YESTERDAY.

Present: Messrs. Peachy and Yale, for claimant; Mr. Randolph for United States.

Q. 443.—What do you refer to when you speak of the "Organization of Mining Deputies?"

A. 443.—I refer to the "Organization of Mining Deputies" referred to in the law of December 2d, 1842, under the Central System. This system was destroyed and the Federal System substituted, when this organization was destroyed. It would be more correct to say "Mining Deputations." They were tribunals of first instance. All the authority the Junta had with regard to the deputations was based on the law of December 2d, 1842. The deputations themselves were established by the general mining ordinances.

Q. 444.—Was not the *Junta de Mineria* necessarily well acquainted with the *ordinanzas de mineria*, and well instructed in

such other branches of knowledge as were necessary for their due application to the mining interests of Mexico?

A. 444.—It was not much acquainted with them. This will be more easily understood when it is considered that of the members of the Junta but one was appointed by the miners, who was not required by law to possess any special or peculiar knowledge. But the Junta, in all cases where it deemed it necessary or advisable, could require advice or information from the director of the college, who was sometimes required by some laws to possess special knowledge upon the subject referred to, and who also could avail himself of the knowledge of all the professors of the college.

Q. 445.—Was not the *Junta de Fomento y Administrativa de Mineria* the highest mining tribunal in the republic of Mexico?

A. 445.—No; it was not a tribunal.

Q. 446.—Was it not its duty to examine maturely, deliberate upon, and review the action of the various mining tribunals, to compare it carefully with the laws upon the subject, and then to give its opinion whether such action was or was not in accordance with the law, and to approve and ratify the same?

A. 246.—No, sir; nor was it a tribunal, as I have before stated.

Q. 447.—Was it not a part of the duty of the various mining tribunals to make concessions of mines to individuals on registration or denouncement of the same, as the case might be?

A. 447.—It was.

Q. 448.—If the *Junta de Mineria* was not a mining tribunal, how was it possible for it to impart to any individual a right or title to a mine?

[The question objected to, because it is not proven that the Junta could impart any title to a mine.]

A. 448.—As I understand it, the Junta could not of itself grant any rights.

Q. 449.—If the Junta could not of itself grant any rights, how could any rights to a mine come from the Junta to any individual?

A. 449.—It follows, if the Junta could not confer any rights, no one could obtain any from the Junta.

Q. 450.—It follows also, does it not, that the Junta never granted any right, title or interest in the mine of New Almaden to Andrés Castillero?

[Question objected to, because it requires the witness' opinion as to a matter of law.]

A. 450.—It follows from what I have said that the Junta as a tribunal, by its own authority, could not, in my opinion, grant any mining right to Andrés Castillero.

Q. 451.—In 1842 the miners were distributed through the different departments of Mexico just as they are now, were they not?

A. 451.—They lived in different departments then, as now.

Q. 452.—When the *Junta de Mineria* was organized, a commissioner of the miners to act as a member *ad interim* of the Junta, was chosen by the miners resident at the capital, was there not?

A. 452.—I must first remark, that the term *comisionado* or commissioner, is incorrect; the person was "*apoderado*." This mistake in the name has probably been caused by the *Guia de Forasteros*, and the decree of January, 1843. My impression is that the first *apoderado* of the miners was appointed member *ad interim* of the Junta by the miners at the capital.

Q. 453.—Do you not think that the decree of December 2d, 1842, establishing the *Junta de Mineria*, is the best authority whether the member who represented the miners in the Junta should be called a *comisionado* or an *apoderado?*

A. 453.—If I am not mistaken, the decree calls him an *apoderado;* but even if it does not, and such a mistake occurs, the authority of the decree would not prevail against all the official and extra official documents which have been written on the subject since the decree was proposed down to this day.

Q. 454.—I repeat my question.

[Objected to by counsel for claimant, on the ground that the question has already been answered.]

A. 454.—In my opinion, it is not only not the best, but not any, authority on points where it is mistaken. As to the name of the officer in question, it is not the best authority, for it is in error; that is, if it does call him a commissioner.

Q. 455.—I call your attention to the third section of the first title of the decree of December 2d, 1842, which, translated, is in these words: "As soon as the present decree shall be published, the Supreme Government, and the creditors of the funds of the establishment, shall proceed to name their respective '*comisionados*,' and the miners resident in this capital shall on their part make a nomination of one *ad interim*." And I also call your attention to the following words from the sixth section of the same decree: "Three months from the publication of the present decree there shall be assembled in this capital, under the presidency of the Governor of the Department, the private agents (*apoderados particulares*,) who may have

been appointed in the mineral districts by the juntas of the miners, in order that they may choose an individual who is to represent them in the *Junta de Fomento*, which election having been made, and the permanent commissioner (*comisionado*) put in possession, the appointee, *ad interim*, shall cease. There shall be chosen also three *suplentes*, who, like the commissioner (*comisionado*), must be miners, or *aviadores* of mines," etc. etc. Looking at the law in the places cited, do you still persist in saying that it is not the best authority, and that the officer in question should be called an *apoderado*, and not a *comisionado?*

[Copy of the decree handed to the witness.]

A. 455.—I presented the project of the law to Gen. Santa Anna, and attended more than four sessions at which it was debated. In the first section of the law it will be seen that the officers are correctly denominated. It is as follows: "Tit. 1, Art. 1. There shall be a Junta, to be called the *Fomento y Administrativa de Mineria.* It shall be composed of an *apoderado*, agent of the miners; another of the creditors of the *Fondo Dotal*, and of a Commissioner (*comisionado*) of the Supreme Government. Their election and powers will be detailed in the following articles." The person appointed by the Government was the one who was properly called *comisionado;* the others were called *apoderados.* In the other sections of this law to which I am referred, they are erroneously called *comisionados.* As a proof of the negligence with which the material *redaccion* was done, I remark that there is a mistake in the title of the law itself, for instead of being called a decree, it is called a *reglamento.*

Q. 456.—You then repeat the same answer you made before, viz: that the decree of 1842 is not the best authority for the title of the office, and that he should be called an *apoderado*, and not a *comisionado?*

A. 456.—I do.

Q. 457.—You also say that the officer is called *apoderado* in the first article of the decree; is not the word *apoderado* used there in its generic sense of agent, and not at all as a title, or name, or designation of an officer?

A. 457.—It is there used as the name or title of an office, and to designate the office in view of the origin or source of his authorities and the duties he was to discharge.

Q. 458.—I have called your attention to two articles in the first title of the decree of 1842, in which the word "*comisionado*" is used as a distinctive title of the officer. I now call your attention to Art. 4: "The Governor of the department of Mexico shall assemble and preside over the creditors and

miners in separate juntas, in order that each class shall name its respective *comisionados*, conforming in the voting to the laws in force and practiced in existing establishments." Is the word *comisionado* there again erroneously used as the distinctive title of the officer?

A. 458.—There is error in all the passages or articles in which the *apoderado* of the creditors is called by the title of *comisionado*.

Q. 459.—In support of your assertion of an error in the use of this word *comisionado*, you said that you drafted the project of this decree establishing the *Junta de Mineria*; do you declare, on your oath, that you drafted that project?

A. 459.—In support of my assertion, I stated that I was the person who presented the project of this law to General Santa Anna, in whose cabinet it was discussed; I now say the same; but it must not be inferred from this that it finally passed as I presented it. I could state its history, but it is better to confine myself to the question.

Q. 460.—What support would that give to your assertion of an error in a particular word, if you do not mean that the decree is the same as you presented it?

A. 460.—Because there was no motive to change the names —the alterations were in other particulars. I attribute the change of names to an error. In all the subsequent acts they are called *apoderados*, as I before stated.

Q. 461.—You also said, as evidence of error in the reduction, that it appeared in the copy of the decree in the *ordinanzas* shown to you that the word *reglamento* was used instead of decree, (*decreto*), and that that was an error. Look at the book which I now show you entitled "*Decretos y Ordenes* of the Provisional Government in virtue of the bases of Tacubaya"—containing decrees from July, 1842, to June, 1843, and say whether the word *reglamento* is not used therein in reference to that law and whether that is also an error.

A. 461.—Yes, the same error occurs in this book, because it was copied from the other. In Mexico those laws which establish a *cuerpo* or body, are usually called "*leya organica*" of the particular body, and the regulations are what the same body so established, or the Supreme Government details afterwards, for the better government of the institution. For this reason, I say, the law is improperly called a *reglamento*. In confirmation of this, it will be seen that this same decree requires the Junta to prepare *reglamentos*.

Q. 462.—From what other book do you say that this was copied?

A. 462.—I say this last book is a collection, and the person

who made it copied this decree as he found it originally published.

Q. 463.—You mean then that the Minister Tornel made these errors when he published this decree, and that subsequent compilers have copied it?

A. 463.—Yes, sir.

Q. 464.—Do you actually mean to say from your memory, and the considerations you have mentioned that the Minister, Tornel, did make the mistakes you have referred to in the publication of that decree?

A. 464.—Yes, I think it is an error.

Q. 465.—Why may not a decree establish a *reglamento* as well as any thing else, and after the decretal words so entitle it, just as in this case, where Bravo uses these words, "I have thought proper to decree (*accordar*) the following *reglamento*."

A. 465.—I think that a *reglamento* may be established by a decree. But I insist that that this was not a *reglamento*, it was the organic law of the *Junta de Fomento*.

Q. 466.—The decree of December 2d, 1842 provides, that at the end of three months from its date, an election for a commissioner of the miners, who should be permanently a member of the Junta, should be made by the *apoderados* of the miners concerned, at the capital, did it not?

A. 466.—It did.

Q. 467.—They were also to choose three *suplentes* of this commissioner, were they not?

A. 467.—They were to choose three *suplentes* of this "*apoderado*."

Q. 468.—The *apoderados* convened at the capital were themselves chosen by juntas of the miners in the various departments, were they not?

A. 468.—They were authorized by the various deputations in the departments to meet in Mexico, and elect an *apoderado*.

Q. 469.—It was in pursuance of law and custom that the *apoderados* were chosen in the various mining localities of the departments, was it not?

A. 469.—Yes.

Q. 470.—Does not the decree of the 31st January, 1843, apply to each and every of the departments where there were mining districts?

A. 470.—No; as I understand it, the second article of that law was merely intended to supply a deficiency in the organic law; it orders that the same persons who had elected an *apoderado* at the capital, should also meet and elect his *suplente*.

Q. 471.—Is not that law addressed to all the inhabitants of the Mexican Republic, and is there any phrase in it to show

that the words "Governor of the Department" apply to any one department more than another?

A. 471.—Yes; I think those words apply to the Governor of the department of Mexico; such is my recollection of it also.

Q. 472.—In Mexican decrees, when one department is intended more than another, is it not always named or clearly indicated, as by the words, "The Department of the Capital," or simular mode of designating it?

[Question objected to, because the witness is asked to give his opinion on the construction of a law, or of all the laws of Mexico.]

A. 472.—In reply to this, I say that what is certain is, that Mexican decrees, when they are properly drawn up, do express what is intended, but when they are badly drawn up they do not. Now, if I am permitted to give a reason to show that my interpretation of this law is correct, I can give one which I think will be conclusive, but if the truth is not wanted I will not go any further.

Q. 473.—This law being as you say intended to apply only to the Governor of the Department of the Capital, and not being expressly declared that that department only was intended, nor indicated precisely by some word of description as aforesaid—do you consider this as one of the decrees which are badly drawn up, and which fail to express their meaning?

A. 473.—I think it certainly might have been expressed with more clearness, but it appears with sufficient clearness from the contents of Art. 2d, that it was intended to apply to the Governor of the Department of the Capital, and that the juntas were to meet in the capital, for it was there only that the meetings of the juntas of the creditors could be held, and as the Junta of the miners is also referred to jointly with the other, is evident that it was intended both should meet at the capital.

Q. 474.—Does not the decree of January, 1843, in effect command the miners in the various departments to meet and choose one *suplente* to the *apoderados*, who, in about a month from its date, were to meet at the city of Mexico, and choose a permanent *comisionado*, and his three *suplentes* to represent the miners in the *Junta de Mineria*?

[Objected to, as asking the witness his opinion on a matter of law.]

A. 474.—As I construe this second act, it only requires that the same persons who elected the permanent incumbent who was member of the Junta, should also elect his *suplente*, and this was in fact what was done according to my recollection.

Q. 475.—Is it not plain that the decree of January 31, 1842, does not refer exclusively to the miners of the department of Mexico, when it uses the words "*Juntas de accreedores y de Mineros*," inasmuch as they alone were not authorized to elect a *comisionado*, or his three *suplentes* who were to represent permanently the whole body of miners in the republic of Mexico?

A. 475.—It did refer exclusively to the Junta which had been held to appoint an *apoderado ad interim* of the miners of the whole republic, which Junta was composed of the miners resident in the capital, in doing which they had acted by virtue of the decree of December 2d, 1842.

Q. 476.—Is it not plain that it did not refer to the election required to be held by the 6th Art. of the first decree of 1842, inasmuch as the juntas referred to are to elect only one *suplente;* and under Art. 6th, title one, of the decree of 1842, the election is to be of three *suplentes*, and also of a *comisionado.*

A. 476.—The government fell into this contradiction, that by one decree it required three *suplentes* to the *apoderado* of the miners to be elected, and by the other it required only one. This error was afterwards brought to its notice, and at the election held under the sixth article of title one, of the decree of 1842, three *suplentes* were elected for the *apoderado* of the miners, so that this mistake was of no consequence.

Q. 477.—Then you mean to say that this was to be the election of a *suplente* to the *comisionado interino* of the miners during the remaining month that he was to hold office before the permanent *comisionado* came in?

A. 477.—That was probably the meaning of the decree, that as the *comisionado* was only *ad interim*, his *suplente* was to be so also.

Q. 478.—Is it not plain that the decree of January 31, 1843, in terms calls for the election of *suplentes* to *apoderados*, whereas the decree of 1842, in terms calls for the election of *suplentes* to *comisionados?*

A. 478.—This arises from the same mistake, viz: calling the person in one place *apoderado*, in another *comisionado.*

[Mr. Tobin, the interpreter, being obliged to withdraw, Mr. John P. Brodie was, by consent of all parties, sworn as interpreter.]

Q. 479.—Then the juntas of the miners in the Department of the Capital held two elections, did they not—one by which under the decree of 1842, they elected a *comisionado interino*, and another when under the decree of 1843, they elected a *suplente* of that *interino?*

A. 479.—It may be so inferred from the dispositions of the laws, and I think such was the fact.

Q. 480.—If that is what you mean, how do you understand the concluding words of Article 2d, of the decree of January 31st, 1843, to wit: "and this they shall do whenever they hold an election of principals."

[The law is handed to the witness.]

What "*proprietarios*" were these juntas of these miners of the department of México ever to elect thereafter?

A. 480.—This law, as I have already explained, intended to give a *suplente* to the *apoderado interino*, and it provided that afterwards the same should be done when the principal was appointed under Article 6, of the law of 1842, but the mistake was made that in one decree three *suplentes* were required to be chosen for the *apoderado* of the miners, and in the other only one, which mistake or contradiction was corrected in consequence of a representation made by the Junta.

Q. 481—What evidence can you offer here that such a correction was ever made by the government of Mexico; where is the decree if there was one, by which the correction was made?

A. 481.—My reason for saying that such a correction was made is, that so gross a mistake could not have been made without being discovered, and from the fact which I know well, that the *apoderado* of the miners had three *suplentes*. I think, however, that there was no decree correcting this mistake.

Q. 482.—In what other mode could the government have corrected an error in the decree?

A. 482.—I presume that the Junta apprised the government of the mistake by a communication, and suggesting the manner of correcting it, and that the government *acquiesced* in the suggestion. Perhaps the decision of the government was published in some newspapers.

Q. 483.—Do you think there would be any probability of finding now in Mexico such a communication, and such a publication by the government?

A. 483.—I think it very probable it could be found if it was ever made, but most probable that the *borrador* of the communication of the Junta could be found in its archives.

Q. 484.—Were the juntas of the miners of the Department of the Capital ever authorized to elect any *comisionado* to sit in the *Junta de Mineria*, except the *interino* whom they must already have elected at the date of the law of 1843, and to whom you say they were by that law to choose a *suplente?*

A. 484.—The law of 1843 did not derogate from the law of

1842. They therefore, always complied with the law of 1842, by electing a permanent *apoderado* and three *suplentes*.

Q. 485.—Perhaps you do not understand me. I mean, was the Junta of the miners of the department of Mexico alone, at any time authorized to choose a *comisionado* except provisionally to choose the *interino*, for whom you say by the law of 1843, they were to choose a *suplente?*

A. 485.—The decree of 1843 provided such a *suplente* should be elected; but they may not have done so, because the election was very near, and perhaps the creditors only appointed a *suplente* under that law. It may have happened that the miners, seeing an election so very near, may not have elected a *suplente*, but waited for an election of the principal. The miners, resident in the department of Mexico, had no authority to elect any other *apoderado* than the *interino* first or provisonally elected by them, nor did they ever elect any.

Q. 486.—You mean, then, in your answers heretofore on this subject, that the juntas which, under the law of 1843, were called on to elect a *suplente* to the *interino*, were the same body which had elected the *interino?* I so understand you, but ask the question.

A. 486.—It was. The same body which had elected the *interino* were, by the law of 1843, required to elect a *suplente*. I think, however, that they did not in fact do so.

Q. 487.—Then the truth is, that that same body, *i. e.*, the miners resident in the department of Mexico, elected a *comisionado* but once, but from time to time continued to elect an *apoderado* or agent to represent them in the general meeting of the *apoderados* or agents of the miners residing in the various departments?

A. 487.—The miners resident in the department of Mexico elected only a *comisionado* or *apoderado interino*. I don't know whether they elected his *suplente* as required by the law of 1843. They did not elect *apoderados* or delegates to the general Junta of miners, which was composed of delegates of the miners of the various departments, for they came unto that body in *propria persona;* but what arrangements were made as to their voting at the elections of a permanant *apoderado* to the *Junta de Fomento*, I do not know. The Junta of miners, resident in Mexico entirely ceased then after electing the *interino*, unless they met to elect a *suplente* under the law of 1843, as to which, I am ignorant.

Q. 488.—Then it was not law and custom, both before and after the decree of January, 1843, for the miners, resident in the various departments, including that of the Capital, to meet by their *apoderados* in a general Junta to consider of matters affecting the mining interests at large?

A. 488.—On the contrary, the general Junta of miners in Mexico, at the time of the existence of the mining tribunal, elected the members of that tribunal, examined their accounts, and received from it reports of its transactions; but this was before the establishment of the *Junta de Mineria.*

Q. 489.—Were there not such general juntas of the *apoderados* of the miners after the establishment of the *Junta de Mineria?*

A. 489.—Only for the purpose of electing the *apoderado* to the *Junta de Fomento.*

Q. 490.—These general juntas for that purpose were required to be held every two or three years, were they not?

A. 490.—Yes, whenever there was an election; this occurred every three years.

Q. 491.—Then in the various mining districts, there was required to be held an election for an *apoderado* every three years?

A. 491.—Yes; it must have been so.

Q. 492.—Then there was no necessity of supposing any mistake or contradiction in article second, of the decree of January 31st, 1843; that election would fully satisfy the words to which I have called your attention, "*Y lo verificaran tambien en lo sucesivo cuando hagan la eleccion de proprietarios,*" would it not?

A. 492.—The meaning of those words is this: The miners have not yet nominated a *suplente;* let them do so, and in future let them continue to do so whenever they nominate a principal. I still maintain there is a mistake in the law; the mistake in requiring them by this decree to elect one, while the previous decree required them to elect three.

Q. 493.—Is it not perfectly plain that the juntas were then to elect a *suplente* in precisely the same cases that thereafter in future they were to elect *suplentes*, and also that in future they were only to elect *suplentes* to the local *apoderado* who should represent them in the general Junta of *apoderados*, and hence that you are entirely wrong in saying that by this law they were to elect a *suplente* to the *comisionado interino*, the truth being that they were merely to elect a *suplente* to a local *apoderado?*

A. 493.—No; that law neither directly or indirectly refers to the *apoderados* sent from the various mining departments to the general *Junta de Mineros.*

Q. 494.—I do not wish any mistake to occur between us; after the 31st January, 1843, were the mining juntas of any department to hold any election except for the local *apoderado*, as I have denominated him?

A. 494.—They must have met to elect their *apoderado* to send to Mexico and also to elect the mining deputations.

Q. 495.—After January 31, 1843, were the juntas of the miners in the departments to elect any *suplente* to an *apoderado* except the *suplente* to the *apoderado* who went to the general Junta in Mexico?

[Question objected to, because it assumes that they were to elect a *suplente* to their *apoderado*, which is denied to be the fact.]

A. 495.—No; I know of no law which provided for anything of that kind.

Q. 496.—Does not this law of 1843, require an election of a *suplente* in every instance where there is an election of a principal; if it does and you were right in saying that *apoderados* to the general Junta were elected every three years, does not this law also require an election of a *suplente* every three years?

A. 496.—It does require such an election in every instance where there is an election of a principal. But the *apoderado* who was to be elected every three years was the *apoderado* to the *Junta de Fomento*. The law did not require any *suplente* to be elected to the *apoderado* to the *Junta General de Mineros*.

Q. 497.—But was not the *comisionado* of the miners, whom you call their *apoderado*, himself elected every three years by a Junta General, composed of *apoderados* from the various mining districts, and hence that these last *apoderados* had also to be elected every three years before they could meet in a Junta General?

A. 497.—Yes.

Q. 498.—Now these last *apoderados* being the only principals that you know of, whom the various mining districts would continue to elect after January, 1843, are not their *suplentes* the only *suplentes* which after January, 1843, the mining districts would continue to elect?

A. 498.—I deny the premises—*nego suppositum*—I deny that those *apoderados* had any *apoderados* at all. The powers of attorney sent from the mining districts to Mexico, might have contained an authority to substitute other persons than the one named as *apoderado*.

Q. 499.—Again I say, if those local *apoderados* were the only principals that you know of having been elected in the various mining districts after 1843, must not their *suplentes* have been the only *suplentes* elected?

A. 499.—I reply as before; you speak of *suplentes* of which I have no knowledge.

Q. 500.—Does not the law of 1843 call for or contemplate

the election of *suplentes* of certain *apoderados* to take place from time to time indefinitely in the future, and are not these local *apoderados* and their *suplentes* the only ones which you can suggest as being by any means intended?

A. 500.—I cannot make this question agree in any way with the law of 1843. The question appears to refer to local *apoderados* and the law to the *apoderados* of the *Junta de Fomento*. I cannot therefore make it agree with the law.

Examination adjourned until day after to-morrow the 23d inst., at 11 o'clock, A. M.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, June 23, 1859.

EXAMINATION RESUMED FROM THE 21ST INST.

Present: Messrs. Peachy, Billings, and Yale, for claimant; Mr. Randolph, for United States.

Q. 501.—In a former answer you used these words in reference to the decree of January 31, 1843: "Now if I am permitted to give a reason to show that my interpretation of these words is correct, I can give one which I think will be conclusive; but if the truth is not wanted I will not go any further." As all our labor is to discover the truth, if possible, you will now give what reasons you think proper.

A. 501.—Shortly after I made that statement I gave the reasons why I considered my interpretation the true one; the reason I then gave was, that the provisions of this article embraced copulatively the juntas of the miners and of the creditors, and it being evident that the Junta of the creditors could only be held at the capital, it followed that the Junta of the miners to which the provisions of that article applied was also to be held at the capital; I now add that the third article favors my interpretation; it says: "The *apoderados suplentes* shall receive their salary in full, when the separation of the principals for fifteen days is made necessary for their convenience, but no salary when the absence of the principal is occasioned by sickness." Neither of the provisions in this article could be applied to the *apoderados* named by the mining deputations, solely for the elections to be held every three years; for such elections could not continue for the length of time contemplated by this article; that is, for a long time, and because as the principals received no salary, it is difficult to conceive how their *suplentes*, if they are referred to in the article, could receive any; But the contents of the article are perfectly applicable to the

apoderados who acted in the *Junta de Fomento*, whose office was permanent, and who had a salary fixed by law. It may also be added that as well by the ordinances as by the decree of December 2d, 1842, it was provided, that it was not necessary that the persons who came from the mineral districts to make the election should come in person; it was sufficient if they sent a power to persons resident in the capital to act for them; from which it follows that they required no *suplentes*.

Q. 502.—Now, having delivered you explanations at length, please answer my questions categorically, yes or no. Do you know of any election having been held by any Junta under the second article of the decree of 1843?

A. 502.—As I stated yesterday, a *suplente* was no doubt appointed in accordance with that article to the *apoderado* of the creditors, and I do not remember that there was any appointed to the *apoderado* of the miners, but I think it was probably left until the election which was to take place under Art. VI, Title 1, of the organic law.

Q. 503.—Please answer me not whether it is probable, but distinctly yes or no, whether in fact an election for a *suplente* was held by the creditors under the second article of the decree of 1843?

A. 503.—My duty is to state what is true as true, and what is doubtful as doubtful; I have complied with that duty.

Q. 504.—Is it true or doubtful that such an election was held by the Junta of the creditors?

A. 504.—It is certain that the creditors elected a *suplente*.

Q. 505.—Did that election occur after January 31st, 1843, and in pursuance of the second article of the decree of that date?

A. 505.—I presume it did.

Q. 506.—A supposition is no answer; do you recollect that it was a fact?

A. 506.—The fact that a *suplente* was given to me I remember, and I consider it certain that it must have been in compliance with the second article of the decree of 1843; but it would be hard to swear that it was done under that decree, as at that time there were so many decrees and laws on the subject; I have no doubt of the fact however.

Q. 507.—No one knows better than you do the difference between an inference and a recollection. Please to say whether you have a recollection of the fact that such an election was held, and whether you can swear to it.

[Counsel for claimant objects to the question on the ground that it has already been answered; that the witness has said that he remembers that a *suplente* was given him, and he added

that whether that *suplente* was elected under the decree of 1843, or under some other decree, he is unable to state, but is of opinion that it took place.

The counsel for the United States, objects to the interruption, and to the statement in presence of the witness of his previous testimony, as obstructing the cross-examination and having the effect of leading the witness.]

A. 507.—I understood the question to be whether the election had been held under this particular decree or not. As there were so many orders and decrees about that time I could not venture to swear that the election was held solely under this particular decree. But I remember that an election was held; I remember distinctly that my *suplente* was elected.

Q. 508.—Was the election you refer to held after the 31st January, 1843, or before?

A. 508.—It was held after that date.

Q. 509.—Where, at what place, and by whom, was the Junta convened that made the election?

A. 509.—The image of the thing does not present itself to my mental vision as clearly as what I now look at; my recollection of it is confused and indistinct.

Q. 510.—How is it that you, who were a member of the Junta, chosen by the creditors, can swear that you had a *suplente*, but have no better recollection when, where, and how, you obtained such an associate?

A. 510.—I see nothing inconsistent in this; there are even other reasons in addition to what Mr. Randolph has stated, why I should remember; I was a creditor myself, and represented several creditors, and have no doubt my vote was solicited for that election, and I consider it indubitable that I was one of the majority. Nevertheless, I do not recollect distinctly the fact, and I do not think it anything remarkable, but rather a common thing for me to be unable to remember the circumstances distinctly.

Q. 511.—Can you refer me to any of the numerous orders and decrees under which the election, as you say, might possibly have been held? as yet I know only of the decree of 1843.

A. 511.—I did not say there were numerous decrees, but *various* decrees. I think I have stated, already, that the *planta* was established by a decree, although it might have been done by a *reglamento;* but the same decree made some changes in the organic law of 1842; this is the decree which I distinctly recollect.

Q. 512.—As the decree to which you now refer had nothing to do with the election of *suplentes*, how could its existence

raise any doubt in your mind as to whether your *suplente* had been elected under the decree of 1843?

A. 512.—The doubt was suggested to me by the facility with which various decrees were made; and, as an instance, I cited this one.

Q. 513.—Do you know of any decree after the 31st January, 1843, touching the election of *suplentes* to the *comisionado* of the creditors?

A. 513.—I do not.

Q. 514.—You have said, on your direct examination, that you had two *suplentes* at different times. For what reason, when, and under what law, was your second *suplente* appointed?

A. 514.—The reason was, that I was elected twice; at each election I was obliged to have a *suplente;* I was elected three times, but the third time I declined to act; my first election was for three years, and my term ended in 1845; my second election was for 1846—'48; my second *suplente* must therefore have been elected in 1846. The provisions of the law of January 31, 1843, were sufficient to authorize his election.

Q. 515.—Was that law in fact the authority under which your second *suplente* was elected?

A. 515.—The law of 2d December, 1842, and that of January 31, 1843, combined, were the authority under which my *suplente* was elected.

Q. 516.—If you are certain that this was the authority for the election of the second *suplente*, why were you not equally certain that it was the authority for the election of the first?

A. 516.—I do not think that my answers as to the first expressed any doubt; all I said was, that I would not venture to swear that there was no other decree or disposition with regard to it.

Q. 517.—Will you venture to swear that there was no other decree or disposition with regard to the election of your second *suplente?*

A. 517.—I can swear that I am entirely ignorant of any.

Q. 518.—Had you or had you not any *suplente* during the first two months, or thereabouts, that you were in office?

A. 518.—I think I have already stated, but if not, I now state that, soon after I was appointed (I cannot fix the precise date) I had a *suplente.*

Q. 519.—Can you say whether, or not, you had one within about two months; and whether you had one before the election called for by the Sixth Article of Title 1 of the decree of Dec. 2, 1842?

A. 519.—I believe I had one before that election; I cannot

swear that I had one within two months; but I am satisfied that I had one before the election referred to.

Q. 520.—Is this a recollection of the fact or is it an inference?

A. 520.—It is an inference; but it is so well supported that it is equivalent to a recollection.

Q. 521.—Please state briefly, if you can, what the supports are which make this inference equivalent to a recollection?

A. 521.—The decree so often referred to, of the 31st Jan.; the interest which the person seeking that place must have had to obtain it at once; and the desire I must also have had to have a *suplente* to enable me to leave Mexico when I chose.

Q. 522.—According to my understanding, there are but three juntas of miners mentioned or contemplated by the decrees of December 2, 1842, and January 31, 1843. 1st. The Junta or meeting of the miners resident at the capital which appointed the *comisionado interino.* 2d. The juntas of the miners in the mineral districts to appoint *apoderados* to go to the capital and elect the *comisionado proprietario.* 3d. The Junta of the above-named *apoderados* when they assembled at the capital to make the said election. Is that your understanding also? If you suppose any other Junta of miners to have been intended by those decrees, please state what it was.

A. 522.—These were the only three juntas contemplated by those laws; I understand the laws precisely in the manner stated in the question, except that the agent was an *apoderado* and not a *comisionado*; and that the *apoderados* were not obliged to go to the capital but could authorize persons to act for them.

Q. 523.—To which of those three juntas of the miners does the decree of January 31, 1843 refer, when it uses these words: "*se reunisan de luego a luego las juntas de acreedores y de mineros*"?

A. 523.—It refers, as I have stated before, to the Junta of *Mineros* resident in the capital and who held the first election for *apoderado* in the *Junta de Fomento y Administrativa de Mineria.*

Q. 524.—Are you not certainly mistaken in that respect for these reasons: 1st. Because that Junta was evidently a provisional body, which exhausted its functions in electing the *comisionado interino.* 2d. Because there is no decree shown calling it into existence again, and because no elections were to be held by it in the future for any purpose immediately connected with the *Junta de Fomento*?

A. 524.—I am not mistaken, because this article speaks to the Junta of residents who had held the first election so that they should at once elect a *suplente* for the person they had

just appointed to the *Junta de Fomento*. With respect to what it says as to the future, that is addressed to future juntas which were to hold elections according to the provisions of the organic law of Dec. 2, 1842.

Q. 525.—You then answer that the decree of 1843 refers to the first and third classes of juntas I have mentioned, viz: To the provisional Junta of the miners of the capital, and then to the juntas of the *apoderados* chosen in the mining districts wherein they should meet in the future?

A. 525.—I do; as to the present it refers to the first class, and in speaking as to the future, it refers to the third class.

Q. 526.—Are you not wrong in saying that the juntas mentioned in the second article of that decree are in any event the juntas of the second class, that is, the juntas of the *apoderados*, because: 1st. That Junta was always designated as the *Junta General*. 2d. Because, as soon as they could assemble in the capital, they were by the law of 1842, to elect a new *comisionado* and three *suplentes?*

A. 526.—I am not mistaken; I have foreseen that objection; I have already stated that the government had fallen into that contradiction, and that the error was cured by the government after communications had passed between it and the *Junta de Fomento*.

Q. 527.—I understood you to say that those communications might have passed; do you now mean to say they actually did pass?

A. 527.—I do; those communications did pass.

Q. 528.—The decree of January 31, 1843, was to clear up doubts in the construction of the law of 1842, yet you say that it contains a new mistake and contradiction in calling for the election of one *suplente* to the *comisionado* of the miners, who already had three under the organic law; and that this new mistake was subsequently corrected by the communications you have referred to. Is not all this wholly incredible when you reflect that the doubts to be resolved by the law of 1843, were proposed by the Junta itself?

A. 528.—This decree of 1843, in its first article, corrected a mistake which had been committed in the organic law, attributing it to a typographical error. In the second article it endeavored to fill a void in the organic law. With regard to the other suggestion, that it appears improbable that a law passed to correct errors should contain others, it is improbable but not impossible. It has just happened that a law passed imposing a tax of one per cent. on capital, required a declaratory law to explain it, which in time required another to explain *it*.

Q. 529.—As you were a member of the Junta at that time,

perhaps you can tell me what were the points submitted for elucidation to the government, and which gave rise to the decree of 1843.

A. 529.—I suppose I have just answered the question; all that I remember is that one was to fill a gap in the organic law; the other was to correct a typographical error.

Q. 530.—As you drafted the original project of the decree of 1842, perhaps you can explain why three *suplentes* are provided for in the sixth article, title one, of that decree, so that they might act as advisers to the *apoderado* of the miners whenever the Junta might desire to consult them.

A. 530.—I did not understand the previous question as referring to the points which the Junta suggested and which gave use to the law of 1843. As to them I remember nothing. I supposed we were talking about the law itself and not about what preceded it.

Q. 531.—The last supposition seems to me wholly impossible, because the question is perfectly plain in its terms, and was repeatedly explained to you by the court and the interpreter; and, also, because your answer was exactly responsive to the question—nevertheless, I will repeat the question: What were the points which the Junta submitted for elucidation by the government, previous to the decree of January, 1843, and which gave use to that decree?

A. 531.—One point was, that the organic law required the election to be held every three years, and yet required an election to be held in 1844, which was only two years; this mistake arose from the delay which occurred after the project was submitted, and before it passed,—it was represented that this was a typographical error. It was also represented to the government that there was no provision in the organic law for a *suplente* to the *apoderado* of the creditors. These are all the points I recollect, but I remember these two points well.

Q. 532.—Why have you answered the last question with the Book of Decrees in your hand, notwithstanding that the court, at the suggestion of the counsel for the claimant, instructed you to speak from memory alone?

A. 532.—I did not use the book to give the reasons, but to give the explanation. If I had been required not to use it, I would not have done so.

Q. 533.—Were the three *suplentes* provided for in Art. VI, Tit. 1, of the decree of 1842, *suplentes* to the *comisionado* of the miners alone?

A. 533.—They were *suplentes* of the *apoderado* of the miners alone.

Q. 534.—If that was so, why was their number precisely

the same as the number of the members composing the Junta, and why are they authorized to supply the place of the *proprietarios* or principals in the plural?

A. 534.—Because the number was of no consequence, as they had no vote. They were not all three to represent the principal, but each in turn, when it became necessary. I see nothing wrong in the expression *proprietarios* in the plural, because it might be said that the Ministers of the President of the United States should do so and so, and yet the meaning might be that only one Minister of each President should do it.

Q. 535.—How long had the $5,000,000 debt of the mining body been accumulating?

A. 535.—It was accumulated by the old mining tribunal; how long it had been accumulating I do not exactly remember—probably from near the beginning of the century.

Q. 536.—What sort of evidences of debt did the creditors hold?

A. 536.—The members who composed the mining tribunal gave them an authentic act, or instrument in writing, executed before the Notary of that body.

Q. 537.—When the *Junta de Mineria* took charge of its liquidation in 1842, was not this debt held by a great many different persons?

A. 537.—In the first place, the Junta did not take charge of its liquidation, for it was already liquidated; it was distributed among a great many persons.

Q. 538.—Did all the holders of this vast debt reside in the capital, or, like the miners, in various places?

A. 538.—They did not all live in the capital; those who did not live there were represented by persons who did reside there.

Q. 539.—Had not the creditors, for a long time before the organization of the *Junta de Mineria*, been in the habit of meeting in concourse at the city of Mexico?

A. 539.—I would just like to be informed what the question means by "in concourse?"

Q. 540.—It means the same as is meant by the word "*concurrir*" in Spanish; I do not mean a technical *concurso* of creditors.

A. 540.—The creditors never met by authority, except when they met in pursuance of the decree of May 20th, 1826, to appoint an *apoderado* to represent them in the establishment created by that decree. I confine myself to the time which elapsed from the extinction of the tribunal to the establishment of the *Junta de Fomento*.

Q. 541.—Had not the creditors before 1826 been in the habit of meeting for the purpose of electing a "*syndico procurador?*"

A. 541.—No, sir.

Q. 542.—Look now at Art. IV, of the regulations attached to the decree of 1826, to which you have referred, and say what is the meaning of these words: "*Que se acarstombro en los concursos de acreedores con respecto al syndico procurador*"?

A. 542.—The meaning of this article is, that the creditors should not vote *per capita*, but according to their interest, in the manner usual when the creditors elected a *syndico procurador*.

Q. 543.—Then it does not mean that the creditors of the mining body had been accustomed to hold general meetings at the capital before 1826?

A. 543.—That is not to be inferred from it at all; nor was such the fact, as I have already stated.

Q. 544.—At the meetings of these creditors under the law of 1826, might not the creditors, like the miners, be represented by *apoderados?*

A. 544.—I so understand it; both could be so represented.

Q. 545.—Does not the seventh article, title one, of the decree of 1842, call for a *Junta General* of creditors in the same terms that it calls for a *Junta General* of miners, and were not those juntas in both instances to be composed of *apoderados* from various places?

A. 545.—It means that both should have *juntas generales;* the creditors were to present themselves personally at the capital, and the Junta of the creditors was to be composed of the creditors themselves; but any one of the creditors might authorize a proxy to represent him.

Q. 546.—Was it not customary for the creditors living elsewhere than in the capital—for example, in the other principal cities of the republic—to hold meetings and appoint an *apoderado* to this general Junta, so that the same *apoderado* would represent many creditors?

A. 546.—No, sir; that was not the custom, nor could it have been.

Q. 547.—Why could it not have been?

A. 547.—Because they were all, or nearly all, represented at Mexico. There was perhaps not one who was not so represented; that was the only place where their rights could be represented in this matter.

Q. 548.—You say that the non-resident creditors never agreed upon a common representative, but each one had his own agent?

A. 548.—Yes, sir.

Examination adjourned until to-morrow, at 11 o'clock, A.M.

W. H. CHEVERS, Clerk.

—

SAN FRANCISCO, June 24, 1859.

EXAMINATION RESUMED FROM YESTERDAY.

Present: Messrs. Peachy and Yale, for claimant; and Mr. Randolph, for the United States.

Q. 549.—Does not the second article, as well as the first, of the decree of January 31, 1843, refer to this seventh article of title one of the decree of 1842, and is it not plain that the *apoderados* and *suplentes* spoken of are those of the creditors and miners respectively, and who continually thereafter (*en los sucesivo*) were to meet every three years at the city of Mexico in *juntas generales?*

[The witness desires to say that in a printed report of the deposition of yesterday he has observed some errors, which he desires to correct. He is advised by the court that the authentic record of his deposition is the written paper that will be signed by him, and that before being called on to sign the same, opportunity to correct and explain the same will be afforded.]

A. 549.—The second and third article of the decree of 1843, confirm and amplify the seventh article of the decree of 1842. They refer to the same subject, inasmuch as they refer to the election, as well by the Junta of creditors as by the Junta of miners, of an *apoderado* to represent them in the *Junta de Fomento.* The *apoderados* and *suplentes* spoken of, are those who formed a part of the *Junta de Fomento.* The articles referred to do not refer to *apoderados* or *suplentes* to the *juntas generales.*

Q. 550.—Does not the second article of the decree of January 31, 1843, in calling for the immediate election of a *suplente,* intend to prescribe a legal mode of meeting the difficulty suggested at the end of Art. VI, Tit. 1, of the decree of 1842, viz: that some places might be too poor, or too remote, to send an *apoderado* to the *Junta General* at the capital, and would need a substitute to the *Junta General.* Is not the *suplente* mentioned in the second article of the decree of 1843 that substitute?

A. 550.—Article second of the decree of 1843 has no reference to the matters mentioned in article six of the decree of 1842. By the latter, the juntas of the mining districts were authorized to elect an *apoderado* to the *Junta General;* or if they were too poor or too remote to send one, to authorize a resident of Mexico to represent them in the general Junta. This I stated several times yesterday, but in the printed report I have seen, I am made to say that the *apoderado* of the Junta of the mining districts could name his own agent or proxy. This was not the fact. The agent was named, not by the *apoderado*, but by the Junta of the mining district itself, in cases where by reason of poverty, or remoteness from the capital, they could not procure an *apoderado* to go to the capital.

Q. 551.—I am very loth to multiply questions on the same point, but I must ask you whether the sixth article of title one of the decree of December 2, 1842, does not require each mining district in all cases to name an *apoderado*, and whether the matter you have just now spoken of was not to meet cases in which the *apoderado* was unable to come, and whether this agent, proxy, or *apoderado*, resident in Mexico, was not to all intents and purposes a *suplente?*

A. 551.—As I understand it, such a person could in no case be called a *suplente*, because the person resident in Mexico who might be appointed to represent the mining district, would be as much an *apoderado* as the *apoderado* elected by the Junta of the district itself. They were not two things which could exist simultaneously; one or the other only could exist at the same time.

Q. 552.—Then you say it was not the law that one should be named in the mining districts at all events, and that the other should take his place in the Junta only when he was unable to come?

A. 552.—The law does not contemplate two beings at the same time. It requires an *apoderado* to be chosen in each mining district, and permits two modes of appointing him.

Q. 553.—The result of the whole in my understanding is, that the amendatory decree of January 31, 1843, refers, as I have suggested to you, to the seventh, and also the end of the sixth article of title one of the decree of 1842, and hence no more gives you, as *comisionado* (or *apoderado* if you please) of the creditors, one *suplente*, than it gives one more to the representative of the miners, for whom the law had already, as you say, provided three. Am I right or wrong?

A. 553.—I think that this construction of the law is entirely erroneous.

Q. 554.—Was it not the fact that you had no *suplente* for

yourself specially, at all, but in your absence you were represented by some one of the three *suplentes* chosen by the Junta General of the miners, chosen under the sixth article of title one of the decree of December 2, 1842; and that those three persons were *suplentes*, as well as *consultores*, for the whole *Junta de Fomento?*

A. 554.—I had a *suplente* for myself, specially; I was not represented by one of the three *suplentes* chosen by the Junta General of the miners under the sixth article of the decree of 1842. Those three persons were *consultores* but were not *suplentes* for the whole of the *Junta de Fomento.* I could show from what I have already stated that this must be so, but I think it unnecessary.

Q. 555.—You say also, categorically, that the *comisionado* appointed by the government had no *suplente* specially for himself, and that, in his absence, he was never represented by one of the three *suplentes* chosen by the Junta General of miners?

A. 555.—I have so stated, and say so still.

Q. 556.—Please give me the names of the three persons first chosen as *suplentes* by the Junta General of the miners; and the names of those chosen at the second election in 1845, when the *Junta de Fomento* was renewed?

A. 556.—I have already said, in this deposition, that I did not remember the names of all of them, and still less, the elections at which they were chosen; I have mentioned the names of those I remembered.

Q. 557.—In the years 1843, 1844, and 1845, you, as a member of the Junta, were in the habit of meeting and advising with three *consultores*—who were those three persons?

A. 557.—That question is already answered; I will only add, we very seldom advised with the *consultores.*

Q. 558.—Give me the names of those three persons, or admit that you do not remember them.

A. 558.—This question is, I conceive, already answered; I will say, however, that I do not remember the names of the persons who were *suplentes* and *consultores* during those three years.

Q. 559.—Who were the *consultores* during the years 1846, 1847, and 1848? mention their names.

A. 559.—I do not remember them.

Q. 560.—Please repeat the names of the persons you have mentioned that you may now remember, as having at any time held that office.

A. 560.—El Doctor Don Luis Gordoa, Don Francisco Faguaga, Don Selo de la Rea, Don Joaquin Rosas, Don José Del Motte.

Q. 561.—Are any of those persons alive; if so, which?

A. 561.—Rosas is alive, and I believe De la Rea is also alive; the other three are dead.

Q. 562.—Is it the same Don Joaquin Rosas whom you have named as one of your own *suplentes?*

A. 562.—It is.

Q. 563.—Did he hold the two places at the same time, or how?

A. 563.—I believe not.

Q. 564.—Are you not certain whether he did or not? explain how it was if you please.

A. 564.—I am not certain; I think so.

Q. 565.—Was it ever the case that one individual was the *suplente* of two members of the Junta at the same time?

A. 565.—That is precisely the reason why I think that Rosas was not my *suplente* at the time he was one of the three *suplentes.*

Q. 566.—Please give me no more reasons, but only your recollections; and tell me when Rosas was your *suplente*, and when that of the miners; and how he came to hold both offices.

A. 566.—I do not think he held both offices at the same time; I remember that he was my *suplente* in 1846; he came to hold both offices by being elected to them and by being competent to hold them when appointed.

Q. 567.—Don't you recollect any other year when he was your *suplente?*

A. 567.—I suppose he was my *suplente* in 1847 and 1848, as that was the natural order of things, if nothing unusual happened; I do not remember, distinctly, any positive fact which would enable me to swear that he was my *suplente* during those years.

Q. 568.—What are the distinct, marked, and positive facts which enable you to swear that he was your *suplente* in 1846?

A. 568.—Because I remember having seen his *rubrica* on actas of that year; and I remember, also, that he filled my place when I set out for my *Hacienda* in May, 1846.

Q. 569.—You refer to his rubric in the actas which you have produced in support of this claim of Andres Castillero; do you not?

A. 569.—I do.

Q. 570.—Can you not recall any distinct, marked, or material fact which will enable you to swear to the year in which any of the other persons you have mentioned acted as *suplentes?*

A. 570.—If I am not mistaken, in December, 1846, it was necessary to call a meeting of the *consultores* to determine with

regard to an application of the government for money, and I think that those summoned were Faguaga, Del Motte, and Gordoa; what I am uncertain about is, the date of this event.

Q. 571.—With the aid of those circumstances, do you or do you not swear that those persons were *suplentes* in that year?

A. 571.—I can only swear that I believe it was as I have stated; nothing more.

Q. 572.—I call your attention now, to the borrador of the acta of the session of April 23, 1846. In your answer to Question 93, as corrected by yourself, you say that Don Tomas Ramon del Moral exhibited to the Junta a letter addressed to him by Don José Joachim de Herrera, who had been President of the republic, in which was stated a part of the contents of two letters received by him from Castillero. How do you know that Herrera's letter to Moral contained parts of one, two, or three, or any number of letters received by him from Castillero?

A. 572.—From what I remember of the contents of Herrera's letter to Moral.

Q. 573.—Does the letter of Herrera express that it was made up of parts of two letters of Castillero?

A. 573.—I think so; that is my recollection of it.

Q. 574.—Have you any distinct recollection at all, of such a letter, independently of what you read in that borrador?

A. 574.—The recollection I have is, that at that time some letters were presented to the Junta which came from Castillero. This is all the distinct, independent recollection, without regard to what I have seen in the borrador.

Q. 575.—As none of the *expedientes* to which you now refer state whether Herrera's letter to Moral was made up of parts of different letters from Castillero, and as your own recollection is merely that some letters from Castillero were shown, how could you come back at the end of several days and have a correction made in an answer which you had given, specially and precisely, amending it so as to say that Herrera's letter to Moral was made up of parts of two letters from Castillero to Herrera?

A. 575.—I can't recollect what reminded me of this fact; I have seen the copy of the letter of Herrera somewhere, and I have read a good deal about the matter.

Q. 576.—As a copy of the alleged letter has been in this court in this case nearly seven years, why did you not leave it to speak for itself instead of giving its contents as a part of your own recollection?

A. 576.—Because, having seen that my answer was inexact, I wished to have it made exact.

Q. 577.—When you are asked your own personal recollections, do you think it proper to make your statements precisely exact, by adding that of which you have no recollection, and of which you have subsequently read in some paper?

A. 577.—I do not think it would be proper to do so; if I were asked for my personal recollection, I would think it improper to state anything derived from another source; but I cannot exactly specify how I came to remember the correction —from what source my recollection of the correction came. The copy of Herrera's letter I have often read, and even lately in the papers which have been presented here.

Q. 578.—In the interval between your original answer and the correction you made, had you held no conversation with any one in regard to the matter; if so, with whom?

A. 578.—I don't remember.

Q. 579.—After the close of our examinations here, daily, are you not in the habit of discussing with some one, the accuracy and correctness of the answers you have given; if so, with whom?

A. 579.—After I read the printed report of the testimony, I generally speak to almost every one about it with whom I converse.

Q. 580.—Who are they?

A. 580.—The Messrs. Barron, Mr. Negrete and his nephews, Mr. Brodie, Mr. Danglada, Mr. Ortiz, with Mr. Peachy, with Mr. Huber, with Mr. Billings, Mr. Emmet, the two Messrs. Young, with Mr. Price, with Mr. Green.

Q. 581.—Had you conversed with these persons or some of them, as to that correction, before you made it?

A. 581.—I think not; what I generally speak of to them is the mistakes I notice in the printing.

Q. 582.—Do you swear that you did not speak with any of those persons about that correction before you came into court to make it?

A. 582.—I do not swear it.

Q. 583.—Please tell me how the fact was, one way or the other?

A. 583.—I do not remember distinctly and cannot state positively; some of those gentlemen may have shown me a paper which, on examination, suggested to me the correction, or my attention may have been called to some paper which refreshed my memory with regard to it.

Q. 584.—Are you not afraid when you converse with so many persons about your answers, and afterwards come here and make explanations and corrections, that you will get some of their recollections mixed in with your own in this deposition?

A. 584.—I believe this is the only substantial correction that has been made; others have been made with regard to what I saw in print; the corrections I made with the interpreter can be examined to see if there are any substantial ones.

Q. 585.—You have said that it appears by the actas of the 4th May, 1846, that the Junta asked him what kind of assistance he wanted; was he in the capital on that day?

A. 585.—If I remember right, Castillero had not then arrived in the capital; at least, I think he had not presented himself to the Junta, so that this statement of the Junta must have been made to Don Tomas Ramon del Moral for Castillero.

Q. 586.—Then when the borrador says that Castillero was asked what aid he required, it means that Don Tomas Ramon del Moral was the person addressed by the Junta?

A. 586.—It means that Castillero was asked through Moral; the Junta might have said to Moral: "ask him what aid he wants," although he was absent.

Q. 587.—Have you the least recollection in the world whether that question was put to Castillero or to Moral, and are you not swearing entirely from conjecture and from the borrador before you?

A. 587.—I remember distinctly that the question was put, but I have no personal recollection independently of the papers as to whether it was addressed to Castillero personally or to Moral.

Q. 588.—Have you any personal recollection whatever of the time when Andres Castillero reached the city of Mexico, whether he was or was not there on the 3d, 4th, 5th, and 6th May, 1846?

A. 588.—I have no personal recollection on the subject.

Q. 589.—In the borrador of May 6th, it is stated that Andrés Castillero personally appeared before the Junta. Independently of that paper have you the slightest personal recollection whether he came there on that day?

A. 589.—That he presented himself on that day, I do not remember, but that he did present himself before the end of May I do remember.

Q. 590.—Is that recollection supported by any other circumstance you can now call to mind; if so, what?

A. 590.—Yes; all the occurrences of that month support each other; I can give some particulars: knowing that the dispositions of the Minister, Iturbe, were in May, and that they prevented what was agreed with Castillero from being carried into effect, I have no doubt that the transactions with Castillero took place before the end of May.

Q. 591.—These generalities enable you to swear positively that Castillero came personally before the Junta?

A. 591.—No; there is something more, I remember to have seen him; up to that time I had never seen him.

Q. 592.—Can you swear, from any recollection you have independently of the papers, that he made a verbal statement to the Junta of the discovery, denouncement and then condition of the mine, etc., etc., as is set out in the borrador?

A. 592.—Excluding from my mind all the papers, I can swear that Castillero presented himself to the Junta and related that he had discovered this mine in Upper California and spoke of the richness of the ore, and proposed to the Junta to take shares in the mine.

Q. 593.—Was his verbal statement all; did he exhibit no other evidence of his title to the mine; if so, what?

A. 593.—I remember that he spoke of having secured it; but I do not recollect whether he presented any written paper touching what he had done here.

Q. 594.—Do you not remember his presenting at any time a written paper, showing what he had done here and as evidence of his title?

A. 594.—I do not remember.

Q. 595.—In April last, when you were examining the papers of the old Junta, did you find no paper which had been presented by Andrés Castillero, showing what he had done here and his title to the mine, and no entry in any borrador or book of actas, noting that such a written paper had been presented?

A. 595.—I only remember to have found copies of the letters from Herrera to Moral, and of that from Castillero to Moral, and the propositions of Castillero; and, in one of the *espedientes*, a dispatch of the Governor of California. I don't remember having seen any papers presented by Castillero about his denouncement here.

Q. 596.—Did you not bring copies of all the papers and of all the borradores which you could find touching this business of Castillero?

A. 596.—Yes, sir.

Q. 597.—Then you know of nothing more than of this verbal statement having been made before the Junta by Andrés Castillero; how could the Junta recommend to the government or itself consent to grant such extraordinary favors to any man on his own mere verbal statement?

A. 597.—He not only made a verbal statement, but he wrote part of it when he presented his propositions, and the Junta saw all this confirmed by the specimens of cinnabar and the flasks of quicksilver, and on the faith it was bound to place in the reports of Moral, and by the relation which Moral and Castillero must have made as to the dispatch of the Governor

of California to the Minister of Relations, all this, taken together, did not allow the Junta to entertain a doubt of what Castillero said, and was enough to satisfy it, that what had been desired for entire centuries, viz: the discovery of a rich quicksilver mine had actually occurred, and, therefore, it recommended to the favorable consideration of the government all the petitions of Castillero.

Q. 598.—In all these things you do not pretend that Castillero submitted any written evidence of his title, or anything more than his own verbal statement. Do you say seriously that the Junta and the government, especially in May, 1846, would have invested large sums of money for which the only security would be the sufficiency of the title of Andrés Castillero to this mine?

A. 598.—I have already stated the grounds which the Junta had for its action in addition to Castillero's verbal statement, and the money which the Junta proposed to loan him, instead of being a considerable amount, was a trifling and miserable matter.

Q. 599.—How can you say the sum was trifling when the government and the Junta were at that time in the utmost penury?

A. 599.—I mean to say, that compared with the means of the Junta it was perhaps a considerable amount, but in itself, and considering the great purpose to which it was to be devoted, it was really trifling.

Q. 600.—Laying aside the absurdity of the Junta or the government investing any money at such a time on such a security, was not the Junta prohibited by law from investing any of the *azogue* fund in a quicksilver mine on such evidence as was afforded by a few stones of cinnabar and a small flask of quicksilver?

A. 600.—The law said nothing for such a special case as that stated by the question; but the laws relative to the management of the *Fondo de Azogue* were sufficiently ample or liberal, as is proven by the fact that the Junta spent some thousands of dollars in working quicksilver mines in Guanaguato, which yielded it nothing, and that in merely exploring for quicksilver it spent a matter of about $30,000.

Q. 601.—Did not the law require the Junta to use the utmost diligence in verifying the quality of the mine it proposed to encourage, and also to send intelligent persons out to make an examination of them and report upon them?

A. 601.—I believe so.

Q. 602.—Such being the case, how was it possible for the Junta, without such exploration and without any further knowl-

edge than that derived from the sources you have mentioned, to invest any money in this enterprise of Castillero?

A. 602.—The specimens he presented in addition to the faith which Castillero's statement was entitled to, for all the reasons I have given, was a better ground for action than a report of any expert, who perhaps might be interested, and the attempt to send one so far as to California would have been nonsense. Finally, the approbation of the government was sufficient to relieve the Junta from responsibility.

Q. 603.—The law also required that the Junta should invest no money in a mine without taking first sufficient security and reserving a payment of five per cent. per annum interest; how could the Junta invest money without complying with these requirements?

A. 603.—This is fully answered by what I have said in my preceding answers. Mr. Randolph may have observed in the communication to the government what is said about interest.

Q. 604.—When Andrés Castillero presented his proposition he stated that he had denounced and taken possession not only of the mine but of an extension of three thousand varas in all directions; what evidence did the Junta or the government have as to whether this was public land or private land that he had taken possession of?

A. 604.—As I understand, he referred to land taken possession of to work the mine, to *pertinencias mineras;* these are granted indifferently, whether the land is public or private, by the ordinances.

Q. 605.—Would it not make a great difference whether it was private or public land, when the question was one of approving an extension of three thousand varas in all directions; is there anything in the *ordenanzas* which would help that case?

A. 605.—I do not know that there is anything in the *ordenanzas* specially applicable to the case, but there is an article which opens the door to the munificence of the sovereign or government in extraordinary cases.

Q. 606.—Is there any article in the *ordenanzas* or laws of Mexico which opens the door of the munificence of the sovereign to give or approve, as a mining right, an extension of three thousand varas in all directions on another man's land?

A. 606.—I do not know that there is.

Q. 607.—Then how was it that the Junta or the government did not first inform themselves whether this three thousand varas to be approved was on public or private land?

A. 607.—I remember the communication from the Junta

does not speak of three thousand varas in all directions, but merely three thousand varas.

Q. 608.—Then, as you remember, the Junta only supposed that it was recommending the approval of three thousand varas in one direction only, amounting to fifteen *pertenencias* as calculated by Segura in his letter?

A. 608.—I think so. I think the Junta does say that the three thousand varas amounted to fifteen *pertenencias*, but I do not remember whether it does not also recommend the approbation of all that had been done. It was the intention of the Junta to grant Castillero all he asked, but from the contents of this dispatch it appears that the Junta, with respect to the mining grant, referred to an extension of three thousand varas containing fifteen *pertenencias*, as the dispatch itself says.

Q. 609.—You have said that the *Junta de Fomento* had but quite a limited knowledge in mining matters; had they not enough with the aid of the three *consultores* who were all practical miners, and of the directors of the college and all the professors, to calculate how many *pertenencias* were contained in an extension of three thousand varas in all directions from a given point?

A. 609.—It does not appear that in this matter the Junta availed itself of the knowledge of those persons.

Q. 610.—But in the report which you say the Junta made to the Minister of Relations, José M. Lafragua, about this matter, I read that the petition of Andrés Castillero was examined with the utmost care; was that false, or what sort of care would it be that would not calculate the amount he petitioned for?

A. 610.—It appears to me that their examination of this point was not very careful.

Q. 611.—If they made no examination at all as to his title, and did not even require the production of any written evidence of it, and were not careful as to the quantity of land he petitioned for, in what respect could it be said that they diligently inquired into his petition?

A. 611.—They probably confined themselves to an examination of the truth of the fact and of the utility of the discovery to the republic, and to what related to the loan.

Examination adjourned until to-morrow at 10 o'clock, A. M.

W. H. CHEVERS, Clerk.

SAN FRANCISCO, June 25, 1859.

EXAMINATION RESUMED FROM YESTERDAY.

Present: Messrs. Peachy and Yale, for the claimant; and Mr. Randolph, for the United States.

Q. 612.—If Castillero had presented a written title paper, in which it appeared that the land he asked belonged to the retired sergeant, José Reyes Berreyesa, or any other individual, and if the *Junta de Fomento* had had sufficient mining knowledge, or sufficient aid from any quarter to calculate the area expressed by three thousand varas in all directions, and had found that, estimated in a square, it amounted to 9¼ square miles, English measure, and estimated in a circle, it amounted to 7⅛ square miles, English measure, do you consider it within the range of possibility that the Junta would itself have consented, or have recommended to the government to approve such a monstrous concession to Andres Castillero, of land which he himself declared to belong to a private citizen?

[Question objected to, as presenting a hypothetical statement to the witness.]

A. 612.—The question rests upon three or four suppositions, and I could not state with certainty, or even probability, what the action of the Junta would have been, but I think the Junta would have recommended that the largest possible quantity should be granted for the purpose of mining, but I don't think it would have advised the granting of private land absolutely, but merely for the purpose of mining. This is my conjecture.

[Answer objected to, because it gives an erroneous construction of the law.]

Q. 613.—Did you understand my last question?

A. 613.—I think I did.

Q. 614.—Have you not the highest degree of moral certainty, that under the circumstances supposed in the question, neither the *Junta de Fomento*, nor any branch of any civilized government in the world, would have consented to, or recommended the approval of such a concession, either as a mining right, or in full dominion?

[Objected to on same ground as the last.]

A. 614.—It seems to me very probable that it would not have advised it.

Q. 615.—Are you not absolutely certain that it would not have done so; would you have done so as one of the Junta?

[Objected to.]

A. 615.—I think it is sufficient for me to say that I think it very improbable; I cannot say what reasons might have influenced me; I cannot certainly say what I might have done.

Q. 616.—Can you recall any circumstance to your memory which could have rendered it possible for you, as a member of the Junta, to have consented to such a concession under such circumstances?

[Objected to, on the ground that it does not appear from any evidence in this case, that a tract of land of 3,000 varas in all directions would be included in the land of José Reyes Berreyesa, but the contrary appears; and, secondly, the hypothesis goes upon a fact which, if true, shows that the United States have no interest in this land.

The counsel for the United States offers to attach to this objection a copy of the act of possession.]

A. 616.—There would have been no objection to granting any amount of vacant land, considering the situation of this department, its sparse population and the importance of the discovery; I would have been liberal in granting vacant land, but as to private land I would have been much more circumspect. I do not now remember any particular circumstance which would have induced me to make the concession of three thousand varas under the circumstances supposed.

Q. 617.—Answer me further, whether there is the least possibility that the Junta, or yourself as a member of it, could have recommended to the government to grant Andrés Castillero two square Spanish leagues of land, being thirteen and one-half square English miles, upon the surface of the mining possession aforesaid, viz: of three thousand varas in all directions, and Castillero representing in his petition that the mine was on the land of a private individual, and nothing appearing to show that the whole of the said two leagues would not also be on the land of a private individual?

[Question objected to, on the further ground that it does not appear that the Junta recommended the approval of the petition for two *sitios*.]

A. 617.—I would not myself have recommended anything without first ascertaining whether it was all private land or not.

Q. 618.—If certain papers were here presented to you, from

which it appeared that Castillero presented a petition to be confirmed in a mining possession of three thousand varas in all directions from a certain mine, and presented also a title paper showing that said mine was on private property, and petitioning also for a grant of two square leagues, as a colonist, on the surface of said mining possession, and that the Junta thereupon recommended to the government to approve the said mining possession and grant the said two leagues of land, would you not at once say that the story was impossible; that the Junta never did any such thing; and that the papers were forged?

A. 618.—I think the only safe way for a witness to answer a hypothetical question is to say that he don't know what he would have thought under the circumstances supposed. In the case supposed, I would not say the papers were false; the data given in the question would be insufficient to warrant me in saying so.

Q. 619.—You have said that Don Tomas Ramon del Moral was director *ad interim* of the College of Mining in 1845; is that a personal recollection, or do you gather it from the papers, borradores, etc.?

A. 619.—I remember it personally, but I do not mean to say that he was director during the *whole* year.

Q. 620.—Tell me briefly at what time of the year and under what circumstances?

A. 620.—I think Mr. Tornel was banished in that year by Herrera's government, and Mr. Del Moral took his place.

Q. 621.—Have you any personal recollection that Del Moral presented the specimens from the *criadero*, or mine, or do you gather that from the papers?

A. 621.—I remember very well having seen at that time the samples in the office of the Junta on the table. As to whether Del Moral brought them himself, or sent them, I cannot say; but that they came from him I am certain.

Q. 622.—Have you any personal recollection that the Junta sent a dispatch to have them assayed, and of the answer, or do you gather that from the papers?

A. 622.—I have a personal recollection of those facts, for I remember that it was by the reply of the director of the college that we learned the *ley* or quality of the metal.

Q. 623.—Have you any personal recollection that the Junta asked Castillero what aid he wanted, etc., or do you gather that from the papers?

A. 623.—I have a personal recollection, aided by the papers. If I had not seen the papers I might have forgotten it; I now remember it personally.

Q. 624.—Have you any personal recollection that immedi-

ately after making this inquiry the Junta wrote to the Minister of Justice, informing him of the discovery, and that the said inquiry had been made of Castillero, or do you gather that from the papers?

A. 624.—I remember personally that the Junta did address a communication to the Minister of Justice informing him of the discovery and what had passed between it and Castillero. I have already stated what my personal recollections on these matters are.

Q. 625.—Have you any personal recollection that the Minister of Justice wrote to the Junta, acknowledging the receipt of their communication, and expressing pleasure at its contents?

A. 625.—As to my personal recollections, I refer to what I have stated already. It is better to rely on that, for now, after having read so much, and so many questions having been addressed to me, it is difficult to define the precise limits of what comes to me from reading the papers, and what from my personal ideas or recollection.

Q. 626.—Nevertheless, please answer my question.

A. 626.—I cannot state positively whether I would have had that recollection if I had not seen the papers.

Q. 627.—Have you any personal recollection that Castillero made any verbal proposition to the Junta when he appeared before them, or do you gather that from the papers?

A. 627.—I remember it very distinctly.

Q. 628.—Have you any personal recollection that the Junta told Castillero to make his propositions in writing, and that he did so, or do you gather that from the papers?

A. 628.—I cannot now state whether I remember it personally, or from the papers; before last April, when I commenced to examine the papers, I could have answered this question.

Q. 629.—Have you any personal recollection that the Junta transmitted the propositions to the government, recommending their approval, or do you gather that from the papers?

A. 629.—I remember personally that the Junta transmitted to the government Castillero's propositions, speaking in favor of them, but as to the manner and to what extent it spoke in favor of them, I could not have stated without having seen the papers.

Q. 630.—Do you mean to say that you have no personal recollection of the terms of Castillero's propositions, nor of the terms of the Junta's recommendation?

A. 630.—With regard to the propositions, I remember personally their substance, but could not have remembered their details without having seen the papers; I do not remember the terms in which the Junta recommended these proposals to the government.

Q. 631.—On your direct examination, you testified to the terms of an agreement between Castillero and the Junta corresponding accurately with his propositions, as set out in the papers in this case. Did you state those terms from your personal recollection, or did you gather them from the papers?

A. 631.—The prominent parts of the agreement to which I testified, I stated from my personal recollection.

Q. 632.—You have said that the Minister of Justice wrote to the Junta approving of Castillero's proposition; have you a personal recollection of such a communication, or do you gather it from the papers?

A. 632.—I remember personally that the government approved what the Junta had agreed upon with Castillero.

Q. 633.—Was the agreement you speak of verbal or written; if written, where is the writing?

A. 633.—I do not know if it was written or not. It is very certain that the points and instructions to the Notary were in writing; I don't know where that writing is; it may be in the archives of the Junta if they have preserved it.

Q. 634.—If it was there how could you have overlooked it when you were looking, in April last, for everything relating to Castillero?

A. 634.—I did not look for anything myself, I merely compared documents shown me by the parties in whose behalf I am testifying. I made no search myself.

Q. 635.—Was there, or was there not, any writing of this agreement drawn up and signed by the Junta and Andres Castillero?

A. 635.—I have stated all that I have to say on that point.

Q. 636.—I repeat the question.

A. 636.—I repeat the answer.

[The Court instructs the witness to answer the question.]

A.—I remember no writing except the propositions of Castillero.

Q. 637.—You have said that the Minister of Justice sent a dispatch to the Minister of Relations concerning the grant of two leagues of land to Castillero. Have you any personal recollection of that fact, or do you gather it from the papers?

A. 637.—I cannot distinguish whether I remember it personally or it comes to me from what I have read.

Q. 638.—How could you have any personal knowledge of such a fact as to whether the Minister of Justice sent a dispatch to the Minister of Relations?

A. 638.—I believe that if at the time at which it happened I had seen it in writing, or had heard of it from persons con-

nected with it and had preserved that recollection, I might then very well say I had personal knowledge.

Q. 639.—Have you now any personal recollection that you then saw or heard of that dispatch, and if not, how could you swear in your direct examination that such a dispatch was sent?

A. 639.—I have no clear and distinct recollection of having seen or heard of that dispatch; it is not strange that I should be unable to distinguish knowledge derived from one source from that of another.

Q. 640.—Is not your last remark true of all the matters and things contained in the papers which, in April last, were shown to you in the city of Mexico, and which you were brought here to testify to?

A. 640.—It is not true of all those things; I have mentioned some facts with regard to which I have even given the reasons why I remember them distinctly.

Q. 641.—On the 2d day of your direct examination you said that the Minister of Justice sent a dispatch to the Minister of Relations, in order that the latter might decide as to the grant of two leagues of land to Andres Castillero; but after your direct examination was concluded you came back and corrected that, and said that the dispatch was that the Minister of Relations should in effect execute a grant already made by the President—did you make that correction from a personal recollection, or from an examination of the papers, or from conversations which you had in the mean time held with any person, and if the latter, with whom?

A. 641.—It is entirely indifferent whether the Minister of Justice told the Minister of Relations to execute the title or whether he told him to resolve or decide upon the matter. I am almost certain that I made the correction from an examination of the papers; I think the idea came to me from a paper which I saw, and which I think it would not be difficult to find; it was not suggested to me by any conversation.

Q. 642.—If the two expressions were so entirely indifferent what possible motive could you have had to make the correction?

A. 642.—Because it is always better to do a thing in the best manner, rather than in another manner which might possibly be sufficient. I thought it best to express the matter perfectly rather than imperfectly.

Q. 643.—Did the correction make any change in the sense or effect of your statement; if so, what?

A. 643.—I have already stated that I consider it a trifling matter; as to the difference, the correction speaks for itself.

Q. 644.—What is the difference which the change of expression made by that correction would make in your statement of the action of the government upon Castillero's petition, according to your understanding of that matter?

A. 644.—My idea is, that in one case the Minister of Relations granted the application, and in the other ordered it to be carried out.

Q. 645.—The difference being so essential as in the one case you would be saying that in the one case the President had made a grant, in the other that he had not, but that a grant *was to be made* by the Minister of Relations; what could you possibly mean by saying that the expressions were indifferent, and the difference trifling?

A. 645 —It is clear that the difference was of no importance, for my mistake could give no existence to, or could have no effect upon, the facts which actually took place and which have passed. I could not change facts which have already occurred. God himself could not.

Q. 646.—We are trying here to learn what has passed, and for that purpose you have been put upon the stand. Would it not make a great difference if the dispatch had merely required a grant to be made by the Minister of Relations, and it should turn out that the Minister of Relations had done no such thing?

A. 646.—If such a thing had happened there would have been a difference, but, as it has not happened, there is no difference. The fact is, that the government ordered those two leagues to be granted.

Q. 647.—And what did the Minister of Relations do on this order—if you know?

[Last answer objected to, as giving a construction to the title papers in this case.]

A. 647.—He gave his orders to the proper authorities to execute the order granting Castillero two leagues.

Q. 648.—Do you make that statement from personal recollection, or from the papers in this cause, or from information derived from conversations. If the latter, with whom?

A. 648.—My principal knowledge of it comes from what I have read. I don't know what part of my knowledge is derived from what I have heard. It is impossible for me to distinguish the various sources from which I have derived my knowledge of the fact. The principal source is undoubtedly the papers.

Q. 649.—And it was because the matter had proceeded so far as that, that you said it made no difference which expression you used?

A. 649.—Yes.

Q. 650.—After you left the Junta, in 1848, when was the first time that you have a distinct personal recollection of having had your attention called to your copy of Lafragua's report?

A. 650.—I cannot state the time precisely, but the occasion I remember. It was when I was told in Mexico that here it was considered apocryphal.

Q. 651.—When was this, and by whom were you told it?

A. 651.—I think it most probable I was told it by Couto, after his return from this place. He told me of many strange things he had heard here about this case. At a rough guess it may have been about a year ago.

Q. 652.—Did you have any conversation with Eustace Barron, William E. Barron, or Emilio Pardo, about the matter?

A. 652.—I spoke with Mr. William Barron, with Mr. Pardo, and with Mr. Billings. I spoke to Couto first, and afterwards with Mr. Billings.

Q. 653.—Mr. Couto having left here in November last, are you not mistaken as to the time when you first spoke to him about this matter?

A. 653.—Mr. Randolph insists that I shall give a date for everything. I hazarded a rough guess. I may be wrong. I know it was after his return, for he told me that it was said here that his report was false, and even that there was no such man as Lafragua.

Q. 654.—About how long after this conversation did you find the book; and where did you find it?

A. 654.—I think a considerable time elapsed after that conversation before I found the book. I had it in my library for a long time previously, and I think I did not look for it in consequence of my conversations with Billings and Barron.

Q. 655.—You had a great many other reports and documents in your library, had you not?

A. 655.—Yes, sir.

Q. 666.—You have said that when you return to Mexico, you are to receive a compensation to be fixed by yourself; have you agreed upon any basis for the estimate of the amount; if so, what?

A. 666.—I will receive what I consider I should ask. There is no other basis.

DIRECT EXAMINATION RESUMED.

Q. 667.—You have said, in your cross-examination, that you could explain your connection with the project of the law of 1842. Please give that explanation.

A. 667.—The decree of May 20, 1826, had left the *apoderados de los acreedores* and of the miners disconnected from their constituents, for nothing had been provided with regard to their re-election. We (the creditors) desired to remove them—to create a fund for the acquisition of quicksilver, and to create another for the discharge of the debt. For these purposes, we (the persons principally interested) prepared a project, which, as I have already stated, I prescribed to the government of Santa Anna, who appointed a miner to be associated with me, and that we should act in concert. But as we were unable to agree, I abandoned the project in the Ministry of the *Hacienda*, and after the expiration of several months the project was published as a law by the Minister of War—but much altered—for they had stricken out all that related to the discharge or extinction of the debt—of which they left little more than the name of "*amortisacion.*" For these reasons we only attained two of the objects we were seeking. This project was published, accompanied by another decree imposing certain duties on common cotton goods. This is the law of December, 1842.

Q. 668.—[*To the Court.*]—Will you be good enough to state again what is the precise difference between your original statement, as taken down by the court, with regard to the dispatch of the Minister of Justice, and the statement with regard to that dispatch, as corrected by you?

A. 568.—My understanding of the difference is, that in one case the Minister of Justice informed the Minister of Relations that the grant had been made, and directed him to give the necessary orders for its execution; while, in the other, he merely referred the matter to the Minister of Relations for the resolution and decision of the President. In the one case the *acuerdo* of the President had already been obtained. In the other, the *acuerdo* was to be obtained after the reference to the Minister of Relations.

JOSE M. DE BASSOCO.

Examination concluded.

Sworn to and subscribed this 14th July, 1859, before me,

OGDEN HOFFMAN,
U. S. District Judge.

—

JULY 14, 1859.

The answers of the witness having been read over to him, he desires to correct the statement as taken down by the Judge in answer to Q. 347. The witness states that what he said in

reply to that question was, "that if the object of the inquiry be to ascertain the *character* of Mr. Lafragua, I can state that M. Turgot, the French Ambassador to Spain, refers to him as *vie tomes*," etc; but that he, the witness, did not intend to express any opinion in regard to it.

The witness, in like manner, corrects the answer to Q. 401, by striking out the word "*oficial*," in the last part of said answer, and substituting the word "*judicial*."

He also makes a similar correction in his answer to Q. 408.

The witness also, in like manner, corrects his answer to Q. 468, as taken down by the Judge, by stating that he does not know the mode in which the deputies (*apoderados*) were elected, or voted for, in the various departments.

The witness, in like manner, corrects the answer to Q. 515, by stating that the laws therein mentioned were the only authority under which *both his suplentes* were elected.

The witness, in like manner, corrects his answer to Q. 526, by substituting for the word "foreseen" the word "anticipate." The interpreter states that the word used by the witness was "*prevenida*," which means, to anticipate—forestall—or answer by implication.

The witness, in like manner, corrects the answer to Q. 530, by stating that the *suplentes* referred to acted as advisers to the Junta, and not to the *apoderado* of the miners.

The witness, in like manner, corrects his answer to Q. 531, by stating that he did not mean to say that the Junta represented to the government that the error was typographical—but the government so stated in the preamble to the law it subsequently made.

The witness, in like manner, corrects his answer to Q. 542, by stating that the government subsequently explained that the meaning of the law was that the voting should be according to their interests. By the Mexican laws, the voting for a *Syndico Procurador*, which took place at the first *concurso* of creditors, and before their claims were established, was *per capita*, and not according to their interests. I am not sure, however, that this was the mode of voting for a *Syndico Procurador*. I am entirely ignorant how they voted. They may have voted according to their interests. In 1833, a heated discussion arose as to the mode of voting by the creditors, and the government was consulted. The government decided, or interpreted the law, as I have stated. This was not done by a decree, but by official communications from the government to the Junta, which was "the Establishment of *Mineria*." These dispatches may still exist in the archives of the *Junta de Fomento* which succeeded to the Establishment of *Mineria*.

The witness, in like manner, corrects his answer to Q. 653, as taken down by the Judge, by stating that what he said he was told by Couto was, that it was stated here that Mr. Lafragua had never been here, *i. e.* in San Francisco, or that the person who had represented himself as Mr. Lafragua was not really Mr. Lafragua.

The witness adds that he did not state, on his cross-examination, that Couto told him that it was stated here that there was no such man as Lafragua.

In compliance with the request made to the witness to examine the *memoria* of Lafragua and state what portions of it, in his opinion, were of sufficient importance to justify or induce the government to expend one dollar on printing or publishing it under the circumstances:—

The witness states that it has some interesting matter, because it contains the discussions which occurred between the American and Mexican governments before the war. Also, *informes*, or reports from nearly all the administrative bodies or corporations in Mexico, in which they give an account of what they had done, and state what they desired to be done in the future.

The subjects to which I have referred can be found on pages 5 to 60, and 118 to 245 of Lafragua's report.

JOSE M. DE BASSOCO.

Sworn to and subscribed before me, this 14th July, 1859.

OGDEN HOFFMAN,
District Judge.

—

NOTE BY THE JUDGE.

The signing and correcting of the foregoing deposition, given by the witness on cross-examination, was deferred to so late a day in consequence of the engagements of the interpreter in interpreting the testimony of other witnesses in this cause, whose examination has been proceeded with during the interval.

EXHIBIT BASSOCO, NO. 1. O. H.

[Page 1, red ink.]

Sesion de 23 de Abril de 846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprovada la acta del 20, se dio cuenta don las comunicaciones siguientes:

1ª. Del Ministº. de Justicio fha 17, del corriente autorisando á la Junta pª. q. pueda comprometer en Jueces Arbitros el asunto del cobro de 8,000ᵖ. á D. Joaquin Llaguno como fiador de D. Manˡ. Gonzales.=Que se formen las instruccio=pª. D. Eduardo Penny.

2. Del mismo fʰª 20, contestando haber transcrito al Ministº. de Hacienda la comunicacion en q. se pide se den ordenes efectivas á las Aduanas de Mazatlan y Guaimas, pª. la entrega de la mitad del dʳº. de averia consignado pª. el pago de lo q. adende el Gobᵐº. á la Junta.=A su Expedᵗᵉ.

3. Del E. S. Gobernador de S. Luis Potosi acompañando certificados de haber sacado de las minas de Guadalcazar 586 quintals de azogue á fin de q. se le satisfaga el premio de 5ᵖ. pʳ. quintal concedido por la ley manifestando q. los interesados suplican el pronto [Page 2, red ink.] pago con objeto de prporcionarse un aparato de Distilacion.=Que informe la mesa de fomento.

4. Del Juzgado Minº. de Zimapan quejandose del Juez de letras de aquel Partido.=Que se incerte con recomendacⁿ. al Sʳ. Gobernador del Departamᵗᵒ.

Dos de la direccion gʳᵃˡ. de industria fʰªˢ. 20 y 22 del corriente acusando recibo de las ultimas libranzas del 3 pºo. de importacion con la diferencia de un centavo.=A su espediente el primº. y á la contadª. el segundo.

Otro del Admᵒʳ. de Hermosillo manifestando la razon por q. no ha podido remitir las cuentas del 1 pºo. q. se le piden.=A su espedᵗᵉ.

Otro del Arquitecto D. Antº. Villard presentado una lista de las obras que en su concepto deben hacerse en el Colegio pª. su reposicion y conservacion importantes 250ᵖ.=Que el Tesorero informe en vista de las obras q. se proponen.

Se leyo un informe de la contaduria sobre una cuenta del encargado de la recandacion en Guadalajara comultando se estrañe al Ensayador y Admᵒʳ. q. la certificaron sin verla.=La Junta acordo de con- [Page 3, red ink.] -formidad agregando q. al oficiarse al Sʳ. Ensayador mayor se le acompañe el certificado de q. se trata pidiendole lo devuelva pª. q. remitiendose al encargado se reponga la cuenta y q. lo mismo se diga á la Direccion de Rentas respecto del Admᵒʳ.

Otro informe de la contad^{a}. haciendo la distribucion de las libranzas del 3 p^{o}o. venidas ultimam^{te}. de Tampico importantes 311^{p}. 64 centavos.

Se dió cuenta con un dictamen de la mesa de fomento sobre no haber elegido Presidente el Juzgado de Mazapil. La mesa opina q. se pregunte ¿como no hay mineros q. sepan leer y escribir cuando en Feb^{o}. de este año volaron 23 en volacion secreta mediante cédulas.—La Junta acordó de conformidad.

La Secret^{a}. digo q. consta en los espedientes relativos de Tasco ser cierto q. D. José Zamora ha dejado de abonarse los 10^{p}. semanarios q. le asignó la Junta como Adm^{or}. desde q. en 30 del pasado ofrecio no cobraria d^{ha}. asignacion si liquidada la cuenta de todo el año resultaba utilidad á favor de la Junta y manifestó tambien q. la mesa respectiva de la contad^{a}. habia informado en 14 de [Page 4, red ink.] Marzo estar conforme en q. la utilidad de 4,000^{p}. q. dedujo d^{ho}. Zamora está deducido con esactitud.

La Junta acordó q. puede abonarse d^{ha}. cantidad desde Agosto hasta fin de Dic^{e}. del año pasado.

Habiendo remitido el Profesor del Colegio D. T. Ramon del Moral unas muestras de Sinabrio del presidio de Sta. Clara en Californias, se acordó q. se pasen al S^{r}. Director con copia de las cartas del S^{r}. Castillero q. las remite p^{a}. q. se hagan los correspondien^{tes}. ensayes.

Se dio cuenta con una lista q. presentó la mesa de Administracion de los asuntos pendientes y acordó.

Prim^{o}. Que se reclame á D. Enrique Mackintosh el cobro de los abonos q. debe hacer el ensayador D. Mariano Cataño.

2. Que se recuerde al S^{r}. D. Diego José Perez Fernandez las cantidades y contestaciones q. ofreció dar desde 1°. de Marzo haciendo q. el oficio se le entregue en propria mano. [3 Rubrics.]

Y 3°. Que se [illegible]pita al Sr. D. Miguel Moso el oficio en q. se le preguntó, si esta en corriente el pago de reditos de los 8,000^{p}. q. reconocer sobre su Hacienda de San Sebastian.

—

[Page 5, red ink.]

SECRETARIA DE LA JUNTA DE MINERIA. } Año de 1846.

BORRADORES DE LAS ACTAS DEL MES DE MAYO.

[Page 6, red ink.]

Sesion del dia 2 *de Mayo de* 846.

Concurrieron los S. S. Bassoco y Flores y despues de aprovada la acta del dia anterior se leyó una comunicacion de D.

Manuel Mariano Cortazar de 22 del pasado á la que acompaña el Ynventario de las existencias q. recibió en la mina de Atargea. La Junta acordó que entre tanto informa la mesa de fomto. se le conteste que se vera al Sr. Echeverria y bien pr. su conducto ó dirigiendose á Queretaro se le remitira dino. pr. el correo del Miercoles.

Se presento el Sr. Lic. D. Diego Perez Fernandez y despues de haber convenido en las observaciones hechas pr. la contada. manifestó q. teniendo q. marchar á Yxtlahuaca de donde ha sido nombrado Juez de Letras presentaria sus proposiciones para el pago de lo q. adenda á cuyo efecto vendria el Lunes á terminar la liquidacion respectiva.

[3 Rubrics.]

—

[Page 7, red ink.]

Sesion del 4 *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco leida y aprobada la acta anterior se dio cuenta con las comuniciaciones siguientes:

1°. Del Jusgdo. de Pachuca fha. 30 del pasado manifestando la falta de polvora q. sufre aquel Mineral.=Se acordó q. se inserte al Gobno.

2°. Del Distrito de Nieves fha. 25 del pdo. contestanda á la circular N°. 3.=Que informe la mesa de fomento.

3°. Del de Bolaños participando la renovacion de su Presidente conforme á la orden del Gobno. y se dio el mismo acuerdo.

4°. Del Admor. de Morelia D. José Maria Cortez escusandose de no haber remitido las cuentas del 3 p°o.=Que informe la contada.

5°. Del Coronl. Don Migl. Mono manifestando q. aunq°. reconoce sobre su Hacienda de S. Sebastian 8,000p. al Sr. Fagoaga aun no estan designados los indibiduos á quienes deba pagarse.=Que se traslade esta comunicacion al Sor. Fagoaga.

6°. De D. Eujenio Bermejillo fha. 24 en Morelia á anplando el encargo q. se le dió para q. cobre en aquella ciudad á D. José Ma. Cortez quien le ofreció q. dentro de 15 dias entregaria sus cuentas.

[Page 8, red ink.]

7°. Del E. S. Director del Colegio insertando el informe de la Junta facultativa del mismo sobre el resultado del Ensaye q. hizo de las muestras de cinabrio remitidas pr. D. Andres Castillero de Californias. Se acordó q. se inserte al Supmo. Gobno. manifestandole no haberse recibido esta contestacion hasta el dia de ayer y q. se ha contestado al Sr. Castillero manifieste la

clase de proteccion ó auxilios q. necesita p^{a}. el buen exito de su empresa y repitiendole p^{r}. ultimo los premios q. se han pagado al azogue nacional extraido en Guadalcazar.

La Ad^{a}. Maritima de Tampico remitio el indice de libranzas p^{r}. el 3p°o. valiosas 469^{p}. 87 centavos.=Que se recojan las letras de la Tesoreria.

Se leyo una comunicacion de D. Julian de los Reyes fha. 29 del pasado avisando de enterado de haberse pagado su libranza anterior de 2,930^{p}. y haber girado otra de 2,000 pesos q. con dos importantes 2,500 dirigidas p^{r}. D. Vicente de Bustos entiende q. no se presentaran otras que las q. correspondan al Azogue q. se recoja en Abril y hasta el 24 de Mayo en que cesa el privilegio.=Se detuvo el acuerdo hasta vir el dictamen de la [Page 9, red ink.] mesa de fomento.

Cuatro comunicaciones de D. José Zamora fha. 2 del corriente acompañando con la prim^{a}. las memorias num^{s}. 17, las Estados y el corte de caja num^{o}. 4 pertenecientes al mes pasado. Recibo y á la contad^{a}. En el 2°. avisa q. necesita 250^{p}. p^{a}. la raya de la presente semana.=De enterado y participa en los dos ultimos haber girado las letras num. 18 y 19 las q. se mandaron pagar.

Se dio cuenta con un informe de la contad^{a}. designando las letras q. corresponden á la Direccion g^{ral}. de Yndustria de la ultima remesa de Veracruz la q. quedaron restando 11 centavos.=Se acordó de conformidad.

Dos informes de la mesa de fomento de los q. en el 1°. consulta se eleve á la Sup^{ma}. aprovacion la acta de eleccion de su Presidente y se acordó de conformidad y el otro sobre la comunicacion del E. S^{r}. Gobernador de S. Luis Potosi remitiendo los certificados q. acreditan haber explotado los mineros de Guadalcazar 900^{aq}. de Azogue.=La mesa opinó q. debe mandarse satisfacer p^{r}. el premio q. les corresponda á 5^{p}. quint^{l}. la suma de 4,500 y q. viniendo endosados los 2,000p. q. pertenecen á D. [Page 10, red ink.] Bacilio Martinez en favor de D. Julian de los Reyes puede pagarse la libranza q. avisa hoy haber girado p^{r}. d^{ha}. cantidad.=La Junta acordó de conformidad y se mandó pagar dicha letra.

[3 Rubrics.]

Sesion del 6 de Mayo de 1846.

Concurrieron los S. S. Segura, Flores y Bassoco, y aprovada la acta del dia 4, se acordó pasár un oficio al E. S. Ministro de Justicia manifestando q. aunq. la Junta no se cree comprendida en la circular de 5 del corriente q. previene la suspension de pagos, consulta sin embargo, se debe suspender los q. tiene q.

hacer p^{a}. el desempeño de la Administracion q. le confio la ley dada p^{a}. el fomento de las minas de Azogue.

Acordó igualmen^{te}. admitir las propuestas q. hizo el Sr. Lic. D. Diego José Perez Fernandez contraidas á abonar cada mes del Sueldo q. disfruta [Page 11, red ink.] como Juez de Letras del Partido de Yxtlanaca la cantidad de 50^{p}. hasta el completo del pago de su denda, q. liquidada ha resultado, ser de 1,400^{p}. comenzando á hacer sus enteros desde 1°. de Julio.

Se presentó el S^{or}. D. Andres Castillero é informó vervalm^{te}. sobre el descubrim^{to}. denuncio y estado actual de la mina de Azogue situada en el mineral de Sta. Clara de la Alta California invitando á la Junta á tomar acciones en la comp^{a}. q. ha establecido p^{a} su laboreo con otras medidas q. pide recabe del S. Gob^{no}. en fomento de la empresa. La Junta acordó q. el S^{r}. Castillero presente p^{r}. escrito sus indicaciones p^{a}. q. tomandolas la Junta en consideracion resuelva lo conveniente.

Quedó encargado el S^{r}. Bassoco de contestarcon el S^{r}. D. Pedro Echeverria sobre situar en su Hacienda de Muchitlan los 300^{p}. mensuales q. deben remitirse p^{a}. el amparo de las minas de Atargia.

[3 Rubrics.]

—

[Page 12, red ink.]

Sesion del dia 7 de Mayo de 846.

Concurrieron los S. S. Segura, Flores y Bassoco, y despues de aprovada la acta anterior se dió cuenta con las siguientes comunicaciones.

1^{a}. Del Jusg^{do}. de Asientos contestando la circular N°. 3.—Que informe la mesa de fomento.

2. Del Apoderado en Guanajuato remitiendo una letra de 5,281^{p}. 4^{r}. 3 g^{rs}. p^{r}. productos de Min^{a}. del mes de Abril.—Que se reconosca la letra se hagan los asientos y se acuse el recibo.

3. Del de Pachuca de 5 del corriente con otra letra de 976^{p}. p^{r}. productos del dicho mes.—Se dio el mismo acuerdo.

4. Del de Guadalajara avisando de enterado de la nota en q. se le dijo cual era la responsabilidad de los encargados.—A su espediente.

5. De los S. S. Maning y Mackintosh participando q. habiendose retirado del cobro del d^{ro}. min^{a}. en Guadalupe y Calvo D. Enrique A. Mackintosh queda en su lugar D. Tomas Mackintosh.—De enterado.

6. Del Directo de la comp^{a}. del Mineral del Monte consultando sobre las leyes q. arreglan la propiedad de los Estrangeros ser las minas.—Se acordó q. se pase á informe á los S. S. consultores de la Junta.

Ella confirmó la inteligencia de se acuerdo p^{a}. q. se abonen

al Sr. Zamora 10p. semanarios solo hasta el fin de [Page 13, red ink.] la ultima semana del año pasado.

Se presento pr. ultimo la cuenta de lo recandado pr. las viviendas del Colegio en el mes anterior y se mandó pasar á la contada.

[3 Rubrics.]

—

[Page 14, red ink.]

Sesion del dia 9 de Mayo de '46.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprovada la acta del dia anterior se dio cuenta con los oficios sigtes.

1°. Del Ministº de Justicia del 7 del corriente acusando recibo de los Estados anuales de Yngresos y Egresos q, se le remitieron.

2. Del mismo participando haber pasado al de Hacda. el aviso q. sobre escaces de polvora da el Jusgdo. de Pachuca.=Que se incerte al mismo Jusgdo.

3. Del comisionado en Guanajuato fha. 4 del corriente remitiendo la contestacion q. dio el Admor. de Rentas sobre un certificado q. se le pidió.=Que pase á la Contada.

4. De la Direccion gral. dê Yndustrta acusando recibo de las ultimas letras y avisando estar corriente en la liquidacion.

Se leyó un informe de la Contada. sobre la contestacion q. debe darse á las escusas q. alega el Admor. de Rentas de Mora. D. Josê Ma. Cortez para no remitir sus cuentas pendientes y los productos del 1 pº. q. deben existir en aquella oficina.= La Junta acordó de conformidad con respecto á q. se ocurra á los Sres. Vintadores de aquella Ada. por conducto del Sr. Bermejillo y q. asi se diga al Sr. Cortez.

[Page 15, red ink.]

La Tesoreria dio ouenta de q. habiendo ocurrido á la gral. no se le entregaron pr. orden del Sr. Ministro las ultimas letras venidas de Tampico valiosas 469 pesos 87 centavos ni la de dos mil y pico de San Blas pr. la mitad del derecho de averio.= Que se agreguen los avisos á sus Espedientes avisandose de las primeras á la Direccion de Yndustria.

Se leyeron dos informes de la mesa de fomento primº. sobre la comunicacion del Jusgdo. de Nieves de 25 del pasado en contestacion á la circular Nº. 3 consultando se le pida el acta á q. hace mencion y q. diga el nº. de Suplentes y existen en aquel Jusgdo.=La Junta acordó de conformidad. Segundo consultando q. habiendose elejido de nuevo en este año el Jusgdo. de Sta. Rosa no tiene que renovar ninguno de sus miembros.=La Junta acordó de conformidad.

[3 Rubrics.]

[Page 16, red ink.]

Sesion del dia 11 *de Mayo de* 1846.

Concurrierron los S. S. Segura Flores y Bassoco y despues de aprovada la acta del dia 9, se dió cuenta con comunicaciones del E. S. Ministro de Hacienda f^{ha}. 6 y 8 del corriente pidiendo noticias en la prim^{a}. sobre los productos q. ingresan á sus Areas y en la 2^{a}. de los q. han tenido los ramos consignados para el fondo de azoguez. Se acordó q. se den ambas advirtiendo al Minist^{o}. habiendose recibido sus comunicaciones juntas, el 9 á las dos de la tarde se ocupa de contestar, datalladam^{te}. los pormenores á q. se contras.

3. Del E. S. Gobernador de Chihuahua contestando haber pedido las noticias q. se le encargaron.—A su espediente.

4. Del Jusg^{do}. min^{o}. de Hidalgo remitiendo el acta de su instalacion.—Al Gobierno si no tiene nulidad.

5. Del de Temascallepec remitiendo el acta de eleccion de un suplente.—Que informe la mesa de fomento.

6. Del Comisionado en Zacatecas f^{ha}. 2 de Mayo remitiendo una libraza de 6,224^{p}. 4½^{r}. p^{r}. productos de Mineria del mes pasado y un recibo de 25^{p}. del alumno Aya a.—Que se reconosca la letra se hagan los asientos y se acuse recibo.

[Page 17, red ink.]

7. Del de Zimapan remitiendo otra de 136^{p}. 2^{r}. 5^{grs}. productos del mes de Abril.—Se dio el mismo acuerdo q^{e}. al anterior agregando q. se cobre la letra.

8. Del de Guadalajara f^{ha}. 5 del corriente avisando haber puesto en la casa de los S^{res}. Maning y Mackintosh, 160^{p}. p^{r}. abonos q. ha hecho el S^{r}. Garay. Se acordo q. se cobren y q. la mesa informe sobre abonos pendientes.

9. Del S^{r}. D^{n}. Demetrio Montes de Pea participando haber hablado con D. Pedro Anda p^{a}. el reconocim^{to}. de la mina de Clavellinas y q. avisara el resultado.—A su espediente.

10. Tres de D. Jose Zamora f^{ha}. 9 cel corr^{te}. acompañando con el prim^{o}. las memorias No. 18 de la negociacion de Tasco.—Recibo y á la Contad^{a}. Participando en el 2°. que en la presente sem^{a}. vá á comenzar la nueva obra y q. p^{a}. la raya necesita de 800^{p}.—De enterado y avisando en el ultimo haber girado una letra bajo el N°. 20 valiosa 260^{p}.—Que se pague.

[3 Rubrics.]

—

[Page 18, red ink.]

Sesion del dia 13 *de Mayo de* 846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprovado la acta del dia 11, se dió cuenta con dos oficios del Minist^{o}. de Justicia f^{ha}. 9 del corriente participando la aprovacion Suprema de las actas de elecciones de Presid^{te}. del Juzg^{o}.

de Zacualpan y de un suplente del de Asuntos.—Se acordó q. se meenten á los respectivos Jusgados.

Se leyó una comunic^{n}. de D. Man^{l}. Mar^{o}. Cortazar f^{ha}. 5 del corr^{te}. remitiendo las memorias n^{um}. 3 y 4 de la mina de la Atargea y avisando haber sacado 23 carg. de metal y no haber recibido la libranza correspond^{te}. á este mes.—La Junta acordó q. se solicite una letra de 300^{p}. sobre Queretaro girada á fabor del S^{r}. Cortazan en cuyo acuerdo salbó su voto el Señor Flores á virtud de q. habiendose consultado al Gobierno se deben hacerse los pagos por el ramo de Azogues entre tando no debe hacerse ninguno. Se acordo tambien q. se diga al S^{r}. Cortazan q. anote en todas las memorias el n^{o}. de carg. q. se sacan en cada Semana y noticia del Ensaye de su ley siempre q. halla motivo p^{a}. creer q. hubiese variado.

Por último se dio cuenta con un informe de la mesa de Ad^{mor}. sobre [Page 19, red ink.] los abonos mensuales hechos p^{r}. el S^{or}. Garay al Comisionado en Guadalajara manifestando q. con los hechos queda cubierto hasta el mes de En^{o}. de este año y q. se debe cobrar la cantidad de los 160^{p}. q. ha recibido el S^{r}. Blume sin otro descuento q. el corr^{te}. de cambio de plaza abonandolos á la cuenta del S^{r}. Garay.—La Junta acordó de conformidad.

[2 Rubrics.]

—

[Page 20, red ink.]

Sesion del dia 14 *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprovado la acta anterior se dio cuenta con las comunicaciones sig^{tes}.

1. Del Ministerio de Justicia f^{ha}. 9, acusando recibo del oficio en q. se le comunicó el descubrim^{to}. de la mina de Azogue en Californias.

2. Del E. S. Gobernador de San Luis f^{ha}. 9 del corr^{te}. remitiendo certificados q. acreditan haberse explotado en las minas de Trinidad y San Andres 78^{eq}. de Azogue.—Que informe la mesa de fomento.

3. Otro del mismo y en la misma f^{ha}. acompañando tres certificados q. acreditan la estraccion de 53^{eq}. de azogue de la mina de San Antonio en Guadalcazar y se pasó á informe de la misma mesa.

4. Del Jusg^{do}. de Sombrerete f^{ha}. 5 del corriente incertando la resolucion de la E. Asamblea de Zacatecas p^{a}. q. d^{ho}. Jusg^{do}. no obedesca la Sup^{ma}. Orden comunicada p^{r}. la Junta sobre renovacion de Suplentes.—Se acordo q^{e}. se incerte al Minist^{o}. dandole noticia de q. en solo este Departam^{to}. ha habido dicha resistencia.

5. Del de Jesus Maria avisando su installacion y contestando la circular N°. 3.=Que informe la mesa de fom^to.

6. Del encargado de la recaudacion en [Page 21, red ink.] San Luis Potosi acompañando una letra de 351^p. 15 centavos p^r. productos de mineria en el mes de Abril. Que se reconosca la letra se hagan los respectivos asientos y se acuse el recibo.

7. Tres comunicaciones f^has. 28 de Abril del encargado en Chihuahua remitiendo una letra de 770^p. 3^r. p^r. productos de aquella capital y de Jesus Maria, en el mez de Marzo una cuenta que le pidio la contad^a. Que se reconosca la letra se hagan los respectivos asientos se acuse el recibo y se pase la c^ta. á la oficina respectiva.

8. De Don Man^l. Garcia del Valle acompañando la renuncia q. hace de la plaza de primer escribiente de esta oficina. Se acordó q. se eleve al S. Gob^no. informandole q^e. es de admitirse.

9. D. D^n. Ygn^o. Rono solicitando la bacante de seg^do. escribiente de la misma.=Que se reserve.

Se dio cuenta con un informe de la contad^a. sobre la comunicacion del comisionado en Guanajuato f^ha. 4 del corriente sobre remision de docum^tos. en el espediente del S^or. Robles.=La Junta acordó de conformidad en todo lo q. propone á escepcion de la ultima indicacion q. hacia sobre pedir á los S. S. Tesorero y Adminis-[Page 22, red ink.]-trador de Guanajuato duplicado del certificado de entero q. hizo el S^or. Robles de 60^p. por el cuarto trimestre del prestamo p^a. el pago de la denda de los Estados Unidos.

[3 Rubrics.]

—

[Page 23, red ink.]

Sesion del dia de 18 *de Mayo de* '46.

Concurrieron los S. S. Segura, Flores y Bassoco y despues de aprovado la acta del dia 16, se dio cuenta con las siguientes comunicaciones.

1^a. Del E. S. Gobernador de Jalisco f^ha. 28 del pasado devolviendo informado el avancel de derechos del Jusg^do. de Bolaños. Y de acuerdo la Junta con dicho informe se mandó elevar de conformidad al S. Gob^no.

2. Del de S. Luis Potosi acompañando una instancia de D. Andres Barroeta para q^e. se le pague el premio corresp^do. á 19 quintales 1^a., 19^eb., 6°., de azogue en plotades del Nuevo Almaden y pedenal en el Durasno.=Ynforme la mesa de fomento.

3. De la comp^a. restanradora del oro quejandose de la falta de Polvora.=Que se incerte al Sup^o. Gob^no. con recomendacion.

4. Del Comisionado en Zacatecas f^{ha}. 12 del corriente acusando recibo de los docum^{tos}. q. se le remitieron p^{a}. el cobro de la deuda al S^{r}. Llaguno.=A su Espediente.

5. Del de Guadalupe y Calvo avisando haber remitido las cuentas q. se le piden.=Que informe la mesa de Adm^{on}.

6. Del S^{or}. Juez 2°. de lo civil pidiendo una noticia relativa al credito q. tiene en el fondo dotal el menor Elguea.=Que informe la contad^{a}.

7. De D. Miguel Quinones f^{ha}. 16 del presente [Page 24, red ink.] pidiendo se de orden al S^{or}. Zamora para q. le proporcione la cantidad necesaria p^{a}. satisfacer al J^{ral}. de Tasco las costas del testimonio de los autos que señala la parte.=Que se de la orden.

8. De Don José Zamora 5 comunicaciones de f^{ha}. 16 remitiendo en la prim^{a}. las memorias num. 19.=Recibo y á la Contad^{a}.

Participando en el 2°. que necesita p^{a}. la raya de 300 pesos. =De enterado. Avisando en el 3°. q. de los 1,270 frascos p^{a}. azogue q. hay en aquella negociacion solo habrá uno q. otro con alguna f^{ta}. y q. deben valorisarse á tres pesos cada uno por pieza pues q. estan valuados á dos calculandolos por fierro. =Que se manifieste esta diferencia al S^{or}. Castillero y al Gob^{no}. cuando se aprueven sus propuestas. Y remitiendo en los dos ultimos el aviso de haber girado la letra N°. 21 valiosa 200^{p}. la 22 de 140.=Que se paguen.

Se leyó una instancia del S^{or}. Don Tomas Ramon del Moral sobre q. se le designe la gratificacion de q. debe disfrutar por los meses q. sustituyó la Direccion del Colegio y leido el Dictamen q. la mesa de fomento estendió en la solicitud pendiente ante el Gob^{no}. la Junta acordó q. se inserte esta al Minist^{o}. con copia del mensionado informe y de los articulos de la [Page 25, red ink.] ley sobre suplencias de los individuos de la Junta y de su Oficina.

Se dio cuenta con los 8 informes siguientes de la mesa de fomento.

Prim^{o}. Sobre q^{e}. se manden satisfacer 394^{p}. 4^{r}. 2½^{grs}. á D. Andres Barroeta por premio de 78 quintales 3^{a}., 15^{ob}., 1½^{o}., de Azogue q. acredita haber estraido de las minas de la Trinidad y Sn. Andres en Guadalcazar.=La Junta acordó q. se suspenda la resolucion de este asunto hasta q. el Gob^{no}. resuelva.

Seg^{do}. Sobre q. se satisfagan 265^{p}. p^{r}. premio de 53 quintales de azogue estraidos p^{r}. D. Demetrio Toscano de la mina de San Ant^{o}. en Guadalcazar en el q. recayó el mismo acuerdo q. en el anterior.

Tercero. Sobre q. se pida la aprovacion Sup^{ma}. de la eleccion

de un Suplente q. ha hecho el Jusgado de Temascaltepec.—La Junta acordo de conformidad.

Cuarto. Comultando se aprueve la eleccion de Presidente y su Suplente hecha p^{r}. el Jusgado de Bolaños y q. el Gob^{no}. Sup^{mo}. prevenga á los Colegas q. servieron el año pasado continuen haciendolo en este.—La Junta acordó de conformidad. Y opinando en el ultimo q. se pida al Juzgado de Jesus M^{a}. en Chihuahua q. remita la acta de su instalacion q. elija otro [Page 26 red ink.] Suplente si solo ha electo dos que se le designe el fondo de q. conforme á la ley debe hacer sus gastos y q^{e}. se le manden los documentos y noticias q. pide.—La Junta acordo de conformidad á esepcion de la remesa de un ejemplar de las ordenanzas de mineria.

[3 Rubrics.]

—

[Page 27, red ink.]

Sesion del dia 22 *de Mayo de* 1846.

Concurrieron los S. S. Segura y Bassoco y despues de aprovada la acta del dia 18 se dio cuenta con las comunicaciones siguientes.

1°. Cinco del Minist°. de Justicia f^{has}. 16, 19 y 20 del corriente participando en la prim^{a}. haber admitido la renuncia q. hizo de la plaza de primer escribiente de esta oficina D. Manuel G. del Valle.—Se acordo que se incerte al interesado; en el segundo acompaña á informe un oficio del E. S. Gobernador de Chihuahua pidiendo se le remitan ordenanzas de Min^{a}. y se aprueve la asignacion hecha al S^{rio}. y dependientes del Jusgado de Jesus Maria.—Que informe la mesa de fomento. En el tercero avisa estar aprovada el acta del instalacion del Jusg^{do}. de Hidalgo de Parral. En el cuarto la de suplente del de Temascaltepec y avisando en el ultimo haberse incertado al Minist°. de Hacienda la solicitud de la comp^{a}. restauradora del Mineral del Oro sobre escases de polvora.

2. Del Jusg^{do}. de Ojo caliente acompañando el acta de renovacion de un suplente.—Ynforme la mesa de fomento.

3. Del de Guanajuato contestando el informe de la contad^{a}. relativo é la cuenta de Clavellinas.—Que informe dicha oficina.

4. Del Presid^{te}. del Juzg^{do}. de Mazapil f^{ha}. 5 del corriente haciendo dimision de su [Page 28, red ink.] empleo.—Que se eleve con apoyo al Gobierno.

5. De la Junta mercantil de fomento de esta Capital remitiendo cinco ejemplares de la balanza del año pasado.—Que se le den espresivas gracias.

6. Del E. S. D. Demetrio Montes de Oca participando q. D. Pedro. Anda de suficientes conocim^{tos}. é intachable honrades

se ofrece á reconocer la mina de Clavellinas por la gratificacion de 200 pesos.=Que proceda á la visita y libro contra la Junta, d^ha^. cantidad el S^r^. Montes de Oca.

7. De la visita g^ral^. de oficinas del Departam^to^. de Michoacan sobre haber pedido las cuentas al Adm^or^. suspenso de aquella Aduana y q. hara se concluyan á la mayyr brevedad.=A su espediente.

8. Del Comisionado en Guadalajára remitiéndo una letra de 837 pesos un real 3½^grs^. por los productos del d^ro^. de min^a^. pertenecientes al mes de Abril.=Que se reconosca la letra se hagan los respectivos asientos y se acuse recibo y se de orden p^a^. cobrar los 160^p^. del S^r^. Garay.

9. Otra del mismo f^ha^. 15 avisando haber recibido 160^p^. del S^r^. Garay por abonos de los meses de Feb^ro^. á Mayo.

10. Del de Durango remitiendo una letra por valor de 1,038 pesos 7½^grs^. productos de Min^a^. del mes de Abril y la cuenta por menorizada del año anterior.=Que se reconosca la letra se hagan los asientos correspondientes se pasen los docum^tos^. á la conta- [Page 29, red ink.] -duria y se acuse el recibo.

11. Del de Culiacan f^ha^. 1°. de Mayo remitiendo una letra de 605 pesos 2^r^. por productos de Cosalá en Marzo.=Que se reconosca la letra se hagan los respectivos asientos y se acuse el recibo.

12. Otro del mismo y de la propia f^ha^. acompañando una letra de 103^p^. 7^r^. 6-8 p^r^. productos desde el dia 20 del pasado hasta 30 del mismo en el nuevo ensaye de Culiacán y las cuentas ultimam^te^. pedidas.=Que se reconosca y cobre la letra se hagan los correspondientas asientos y se acuse el recibo.

13. De D. Manuel Mariano de Cortazar f^ha^. 17 del corr^te^. en Queretaro acusando recibo de los 300 pesos q. se le remitieron ultimamente y pidiendo se le facilite la cantidad necesaria para tomar posecion de la mina de Providencia.=Se acordo q. con la ultima orden de suspencion de pagos apenas podrá remitir los 300 pesos mensuales de su compromiso de amparo y q. informe la mesa sobre las memorias q. ha remitido.

Se leyeron por ultimo dos solicitudes para la plaza de 2°. escribiente de la oficina q. hacen D. Joaquin Urrutia y D. José Garcia de Arana=Se acordo que se reserven.

[2 Rubrics.]

[Page 30, red ink.]

Sesion del dia 25 *de Mayo de* 1846.

Concurrieron los S. S. Segura, Flores y Rosas y despues de aprovada la acta del dia 22 se dio cuenta con las comunicaciones siguientes.

1. Del encargado de la recaudacion en Guanajuato f^ha^. 22

del corriente acompañando la relacion de las platas ensayadas en el primer tercio de este año sus barreages y la cuenta g^ral^. de los derechos.=Se acordo q. se pasajen á la Contad^a^.

2. Del de Zacatecas f^ha^. 19 adjuntando la cuenta g^ral^. de Zacatecas y Sombrerete y se le dio el mismo transmite.

3. Del mismo f^ha^. 18 adjuntando una libranza de 107^p^. 2^r^. ⅌ por derechos colectados en Sombrerete en Abril.=Que se reconosca y cobre la letra se hagan los respectivos asientos y se acuse el recibo.

4. Del Adm^or^. de la Ad^a^. Maritima de San Blas avisando haber girado á favor de la Junta una libranza importante 65^p^. 86 centavos p^r^. la mitad del derecho de averia.=Se acordo q. el Tesorero ocurra por ella á la general.

5. Cuatro comunicaciones de D. José Zamora f^ha^. 23 avisando en la 1^a^. q^e^. necesita de doce almadanetas. Que se compren Remitiendo en la 2^a^. las memorias n^um^. 20.=Recibo y á la contad^a^. y avisando en las otras dos [Page 31, red ink.] haber girado la letra N°. 23 valiosa 100^p^. y la la 24 que importe 200.=Que se paguen.

6. Un oficio del E. S. Ministro de Justicia f^ha^. 20 aprovando las propuestas de D. Andres Castillero q^e^. elevo la Junta al S. Gobierno y avisando q^e^. habia pasado al Minist^o^. de la gobernacion la Solicitud de dos citios de ganado mayor como colono sobre su propiedad minera.

La Junta acordó q^e^. se procediese en el acto à estender el convenio judicial correspond^te^. y q^e^. se solicitase la letra de los cinco mil pesos sobre Mazatlan o Guadalajara en lo que conveno el S^or^. Castillero y ultimam^te^. q^e^. por el correo del Miercoles se nen las ordenes correspondientes á Tasco para q. entregue el Adm^or^. á la orden del S^or^. D. Tomas Ramon del Moral todos los frascos para azogue q^e^. se hallen en buen uso en aquellos almacenes los q^e^. abonará á su cuenta á razon de doz pesos cada uno.

[2 Rubrics.]

—

[Page 32, red ink.]

Sesion del 26 *de Mayo de* 846.

Concurrieron los S. S. Segura, Flores y Rosas y despues de aprovada la acta de 25 se dio cuenta con un informe de la contad^a^. manifestando q. la Escritura cuya f^ha^. desea saber el S^r^. Macedo fué otorgada ante el Escribano D. Fernando Tamayo en 20 de Abril de 1807.=La Junta acordó q. se participe al Jusgado.

Se leyeron otros tres informes de la mesa de administracion 1°. sobre la note de 28 del pasado de D. Enrique Mackintosh

opinando q°. debe esperarse á q°. embie el barreage q°. se le tiene pedido.

2. Que se repita al S°r. Olasenaga fiador de los abonos del S°r. Lebrija un recuerdo sobre los 50p. del mes de Set°. procsimo q. no ha remitido y p°r. ultimo q. se recuerde tambien al S°r. D. Diego Moreno remita el importe de las perlas del S°r. Garay q. se le dieron para su venta ó las devuelva por medio de persona de su confianza.—La Junta acordó de conformidad.

[3 Rubrics.]

—

[Page 33, red ink.]

Sesion del dia 27 *de Mayo de* 1846.

Concurrieron los S. S. Segura, Flores y Rosas, y despues de aprovada la acta del dia 26, se leyo un oficia del E. S. Gobernador de Michoacan participando q. habia dado orden al suspenso Admor de Rentas para q. dentro de 15 dias presente sus cuentas pendientes y entere las cantidades q. resta y q. avisará del resultado.—A su espediente.

Se leyeron tres informes de la mesa de fom°. 1°. consultando se pida la aprovacion Sup°a. de la eleccion de un suplente del Jusgado de Ojo caliente con arreglo á la ultima circular de la materia y la Junta acordó de conformidad.

2°. Sobre la consulta del Gob°. relativa à una comunicacion del E. S. Gobernador de Chihuahua pidiendo ordenanzas y q. se aprueve la asignacion de 30p. mensuales hecha al S°rio. del de Jesus Maria. La mesa opina q. se consulte al Gob°no. q. no teniendo ordenanzas la Junta pueden comprarlas en Zacatecas donde se venden a 20r. y respecto al Sueldo q. se diga estar derogado el Decreto q. lo establecio dejando solo derechos de arancel.—La Junta acordó de conformidad.

3°. Sobre la ultima comunicacion de D. Manuel Mar°. Cortazar y el inventario q. acompaña de la mina de Atargea. La mesa de opina q. se pase á informe á la contad°. y asi se acordó.

[3 Rubrics.]

—

[Page 34, red ink.]

Sesion del dia 28 *de Mayo de* 846.

Concurrieron los S. S. Segura y Rosas, y aprovada la acta del 27 se dió cuenta con las cuatro comunicaciones q. siguen.

1°. Del Minist°. de Just°. fha de ayer incertando la de Minist°. de Hacienda de la misma fha en q. manifiesta q. intimado el bloqueo á los Puertos de Veracruz y Tampico no es de esperarse q. continue el curso de las libranzas de aquellas Aduanas por lo q. el Gob°no. ha dispuesto q. la Junta reserve sus existencias p°. los gastos q. le son proprios y los del Colegio suspendi-

endo por á hora todo pago p^{a}. la explotacion de azogue.=La Junta acordó q. informe la mesa de fomento.

2. Del comisionado en S. Luis Potosi acompañando la eta y nota de barreage de la plata ensayada en el mes pasado.=A la contad^{a}.

3. De D. Eugenio Bermejillo participando haber recabado del E. S. Gobernador de Michoacan la orden p^{a}. q. el Adm^{or}. suspenso de aquellas Rentas presente su cuenta dentro de 15 dias pasados los cuales se encargará un empleado de hacerlas á espensas del mismo.=A su espediente.

4. De los S. S. Manning y Mackintosh [Page 35, red ink.] fha 27 manifestando q. la firma del S^{r}. Garcia Granados es tan solo la de un apoderado del S^{or}. Stahlknuht.=A su Espediente.

[1 Rubric.]

—

[Page 36, red ink.]

Sesion del dia 29 *de Mayo de* 846.

Concurrieron los S. S. Segura, Flores, y Rosas, y despues de aprovada la acta del dia 28 se dio cuenta con una comunicacion del E. S. D. Fran^{co}. Fagoaga contestando al ultimo oficio q. se le puso sobre el credito de 8,000p. q. tiene impuestos en la Hacienda de San Sebastian.=La Junta acordó q. se reserve acompañadose al Espediente para cuando halla tomado algunos informes el S^{or}. Rosas.

Se leyó un informe de la mesa de fomento sobre la comunicacion del Gobierno relativa á la suspension de pagos del fondo de azogue. La mesa consulta 1°. q. se incerte dicha comunicacion al E. S. Gobernador de S. Luis Potosi con respecto al pago de los premios de azogue q. habia acordado se pagasen por 2,000 pesos á D. Timoteo Toscano por 269 á D. Demetrio Toscano y 471, 4^{r}. 8½ g^{rs}. á D. Andres Barroeta por los premios del azogue nacional q. han estraido á razon de 9p. quintal y q. si no se satisfiro la prim^{a}. cantidad á D. Timoteo Toscano fué porque no se presentó oportunamt^{e}. y á los demas por haber venido cuando estaba ya comunicada la orden de suspension.

Segundo, q. se comunique la misma orden á D. Man^{l}. M^{er}. Cortazar manifestandole q. si puede benificiar algunas existencias de azogue lo verifique para cubrir el amparo.

[Page 37, red ink.]

Tercero. Que se incerte igualm^{te}. al E. S^{or}. D. Demetrio Montes de Oca con el objeto de q. se sirva mandar suspender la visita de la mina de Clavellinas pero q. se en virtud de lo anteriorm^{te}. acordado hubiese hecho algun gasto se le satisfará inmediamente.

En virtud de haber admitido el Sup^{o}. Gob^{no}. la renuncia q. hizo D. Manuel Garcia del Valle de la plaza de primer escribi-

ente de la Sria. y q. admitio el Supo. Gobno. la Junta acordó se manifestase al Ministo. del ramo q. conforme á la ley tocaba el ascenso al escribiente 2o. de la misma D. Manl. Couto para ponerlo en posecion si el Gobno. esta de acuerdo.

Se acordó tambien de acuerdo con lo informado por la Contada. el pago de 25p. al Escribano Calapis por la actuado en la Escritura de convenio q. se habia tenido con D. Andres Castillero para auxiliar su empresa de azogues de la mina de Sta Clara en la Alta California comprendido en el oficio de suspension de todo pago de este ramo.

[2 Rubrics.]

—

[Page 98, red ink.]

Sesion del 30 *de Mayo de* 1846.

Concurrieron los Sres. Segura, Flores y Rosas, y despues de aprovada la acta del dia 29 se dio cuenta con una comunicacion del Mino. de Haca. fha 28 en q. pide informe sobre si estan disponibles los 2,125p. 10½rs. pertenecientes al fondo de la nueva carcel de Guada. la Junta acordó que se le conteste inmediamente haciendole una breve resena del origen de este fondó perteneciente al de azogues y que se le indique q. estando pendiente el asunto en el consejo la Junta puso en deposito iregular en una casa puerte de comercio dicha suma con la condicion de que seria debuelta en Guada. en la misma moneda en q. hubiese sido recibida al mes de q. se le participan la devolucion y ofreciendo ampliar el informe si asi lo creyese conveniente el ministerio.

La Sria. manifesto q. el S. D. Tomas Ramon del Moral exponia á la Junta que retiraba la solicitud q. tenia presentada sobre asignacion de sueldo ó gratificacion por el tiempo q. sustituyo la direccion del colegio en el año pasado.

El S. D. Joaqn. Velasquez á nombre del E. S. Director del colegio manifesto q. [Page 99, red ink.] nesesitando en Londres de la cantidad de mil ps. y sabiendo que la Junta tenia algun dinero en la casa de los Sres. Baring Herma. le suplicaba se mandase habonar á dicha casa por valor de 72 libs. esterlinas, 7 chelines, 6 peniques por cuenta de algs. objetos encargado por el Colegio á dichos Sres. y que girase una libs. á favor del mismo Sor. Velasquez por valor de 111 libs. 9 chelinas, 7 peniques, para el completo de mil ps. con el cambio actual de 44⅛. La Junta acordo se diese la orden y se girado dicha libranza por cuenta de las dos letras de á 500 libs. cada una que giraron contra aquella casa los Sres. Maning y Mackintosh en 30 de Novl. de laño pasado.

[1 Rubric.]

[Page 40, red ink.]

Sesion del 21 *de Set*^{e}. *de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco, y despues de aprovada la acta del dia 18 se dio cuenta con las comunicaciones q. siguen.

1. Del Ministerio de Relaciones fha 19 insertando el oficio del Minist^{o}. de hacienda en q. acrediendo á las indicaciones de la Junta participa q. el Sup^{o}. Gob^{no}. ha dispuesto q. las existencias del fondo de azogue continuen empleandose como se habia mandado en fomento del Cologio y pidiendo en clase de prestamo del fondo dotal le cantidad de veinticinco mil pesos.

Los SS. Bassoco y Flores estuvieron de acuerdo en q. se debia representar manifestando al Gob^{no}. q. un q. se entendiera q. la Junta desconosca la urgente necesidad q. hay de q. todos contribuyan á la defensa nacional del modo q. les sea posible sin embargo considerando el origin y actual situacion del fondo dotal no se cren con facultades suficientes de sus comitentes para emplearlo en ningun otro objeto de aquellos á que lo destiriò la ley y despues de una de tenida desension asi se acordó no obstan- [Page 41, red ink.] -te las observaciones q. espuso el S^{r}. Segura el q. salvó su vote presentando una protesta q. pidio constase en el acto y manifestó q. remitiriá al Ministerio juntam^{te}. con el oficio acordado.

La Junta acordó en cuanto a lo primero q. se unerlase en el acto dicha protesta y con respecto á lo 2°. q. el S^{r}. Segura podia remitir como individuo de la Junta las comunicaciones q. creyese convenientes pero q. la Junta no podia autorizar las protestas q. hiciese contra los acuerdos de la mayoria. En consecuencia la protesta de q. se trata es la Siguiente=El que suscribe aunque con sentim^{to} se ve en el caso de protestar q. su opinion difiere de la de sus apresiables compañeros. La suya es q. en las presentes penurias y aflictivas circunstancias en q. se encuentra el erario público debe proporcionarse al Sup^{o}. Gob^{no}. el prestamo q. solicita del fondo Dotal propiedad de los mineros en cantidad de veinticinco mil pesos: q. no habiendo esta cantidad en arco se remita á la Tesoreria la existencia y se complete el dho prestamo con el primer din^{o}. de q. pueda desponer la Junta: q. jusga acusado antes de obedecer la orden del Sup^{o}. Gob^{no}. el hacerle esas muy bue- [Page 42, red ink.] -nas observaciones q. obran á favor del mismo fondo y de los intereses del propio Gob^{no}. porqu^{e} en la Sabiduria de este se han pesado y el fiel de la balanza inclinado asia el bien publico cuando peligra por la guerra mas injusta el mas presioso de los dones cual es el de la independencia nacional le han hecho dictar una orden q. en el acto debe ser acatada, sin perjuicio de manifestarle cuando se halle cumplida todo lo conveniente: q. este es su voto el q. pide quede consig-

nado en el acta del dia como tambien q. el reparto q. se esta haciendo debe suspenderse para q. estos cantidades se emplen en el prestamo solicitado y que si se continua haciendo se entienda tambien q. salva su voto en dho acuerdo.

Se dió cuenta en seguido con un oficio del Iral. de Guanajuato incertando la solicitud de D. Ygnacio Porter como uno de los interesados en la venta de la mina del Toro para que se satisfagan trescientos cincuenta pesos q. se le restan:—La Junta acordó q. informe la mesa de fomento.

Otro de D. Fernando Polels fha 18 acompañando una letra de cuatro mil novecientos cincuenta pesos siete reales un grano por productos de min^{a}. [Page 45, red ink.] del mes de Agosto. Que se reconosca la letra se hagan los debidos asientos y se acuse el recibo.

Del Comisionado en Pachuca fha 19 acompañando en libranza mil quinientos cincuenta y nueve p^{s}. un real por producto liquido de los derechos de min^{a}. en el mes pasado y recayó el mismo acuerdo que en el anterior. Finalm^{te}. otro de 16 del corriente del comisionado en San Luis remitiendo la cuenta y nota del barreage del ultimo trimeste.—Se acordó pasarla á la Contaduria.

Se acordò que constase en la acta como dictamen de los SS. Flores y Bassoco el oficio q. en contestacion se puso al Gobierno y dice asi:—"Esta Junta recibio ayer Domingo 20, el oficio q. V. E. se sirve pasarle con fha 19, transcribiendo el del E. S. Ministro de Hacienda del mismo dia en el cual se comunica a la Junta q. el E. S. Gral. en Gefe en ejercicio del Sup^{o}. Poder ejecutivo habia tenido á bien acordar en vista del oficio de fha 12, se de al fondo establecido para el fomento de las minas de azogue el destino á q. esta consignado en beneficio de la instruccion publica, pero q. siendo las graves penurias del erario tan conocidas y perentorias el [Page 46, red ink.] Supremo Gobierno necesita q. del fondo Dotal se le haga un prestamo de vienticinco mil pesos en la inteligencia q. se acordará el pago á la mayor brevedad.

Por nada del Mundo quisiera la Junta q. ni por un momento pudiera penjarse q. ella desconose la urgente necesidad de q. todos los q. tengan en algo la Nacionalidad Mejicana se apresuren á concurrir en su defenza del modo q. á cada uno sea posible pero cree tambien q. faltaria á la confianza q. los mineros y acredores al fondo Dotal depositaron en sus mandatarios y aun se haria indigna del aprecio del mismo Sup^{o}. Gob^{no}. si dijara de hacer las observaciones que pasa à manifestar.

El fondo Dotal consiste en el pago de un real por marco de once dineros q. con autorisacion legal se impuso el cuerpo de mineria para formarle y q. como caudal propio suyo segun los

terminos de la cedula respectiva le ha administrado por medio de sus representantes con entera inhibicion de las rentas publicas del Estado. Bajo tales garantias solicitó y le prestaron varias personas cantidades considerables à deposito irregular con hipoteca del mismo fondo debiendo hoy á estos Capitales mas de 18 años de reditos. Esto es lo q. constituye la deuda del cuerpo [Page 45, red ink.] de la q. dimana q. forme parte de la Junta el Apoderado de los acredores.

Esta legerisima indicacion es bastante à nuestro juicio para probar q. el fondo Dotal es una propiedad particular q. esta en el caso de ser tratada y grabada como las demas sin q. apareca motivo para q. este sugeta á otras ocupaciones y el Gobierno por consecuencia sin duda de estos principios, si bien la ha comprendido en alguna contribucion no la ha ocupado en cantidad alguna desde 1842, no obstante q. en el mismo periodo ha tomado varias q. forman una crecida suma del fondo de azogue q. por su naturaleza es Nacional y publico.

Sin embargo de la incolumidad del fondo Dotal durante aquel t^po^. y á pesar de los esfuerzos con q. la Junta ha procurado mejorar su administracion consiguiendo en ella mejoras de no poca importancia; de tanta trasendencia y de tan funesto influjo fueron las ocupaciones sufridas en tiempos anteriores q. no ha podido relevarse del avatimiento y postracion en q. le pusieron.

La hipoteca es buena; lo administracion pura y bastante economica y sin embargo el precio de los creditos bajo en demasia cuyo mal solo se debe á la causa q. dejamos indicado.

Esta consideracion S^r^. C es la q. [Page 46, red ink.] mueve á la Junta á preferir q. los individios y corporaciones q. tienen Capitales en el fondo sean grabados mas bien por otras contribuciones ó derramas q. no en los creditos q. aqui tienen puesto q. sobre la erogacion q. en ellos sufririan habrian de resentir en lo sucsesivo el funesto resultado de q. su valor bajase aun mas de lo q. hasta el dia ha bajado. Los Apoderados de Mineros y acredores no tienen ciertamente mas facultades respecto del fondo Dotal en virtud de las leyes de la creacion de este cuerpo q. las de administrarle y aplicarle á los objetos q. ellas mismas demarcan, y ni unos ni otros pergaran q. sus mandatarior han cumplido con su deber si dejaren de presentar estas observaciones a una administracion tan ilustrada como la presente. Repite pues q. solo el deseo de llener cumplidamente sus deberes es lo q. la precisa à espresar lo q. lleva manifestado; por lo demas como particulares se han prestado y estan dispuestos à hacer en las criticas circunstancias del dia todo lo q. el estado de sus negocios les permita.—La Junta protesta à V. E. las seguridades de su distinguida consideracion y aprecio.

[3 Rubrics.]

[Page 47, red ink.]

Sesion de 5 de Noviembre.

Asistieron los Señores Segura, Flores, y Bassoco, y leida y aprobada el acta del dia anterior se dio cuenta con un oficio del ministerio de Relaciones fecha del 3 pidiendo se le remita dentro de ocho dias nominas exactas de los trabajos de la Junta desde 1845, con las indicaciones que creyere oportunos: La Junta acordo que en vista de los apuntes de la memoria formada por el Señor Carrere se dirijan dichas noticias al Ministerio agregandose los sucesos posteriores hasta el presente mes.

[3 Rubrics.]

—

[Page 48, red ink.]

Sesion de 9 de Novᵉ. de 846.

Asistieron los Sʳᵉˢ. Segura, Flores, y Bassoco, y despues de aprobada el acta del 5 se dio cuenta con las cinco comunicaciones siguientes del administrador de Tasco, con la primera remite las memorias nᵒˢ. 23 y una Coleta de beneficio q. se labó á maquila=recibo y la contaduria, participa en la segunda que remitira las barras á Cuernavaca el mastes de esta semana =el enterado, dice en la tercera q. en la semana anterior se habian labado los ultimos 900 qqˢ. del metal de Trinidad que las trabajos se habian aumentado con dos paradas y q. pˢ. la semana actual necesitava de 900pˢ.=de enterado. En las dos ultimos avisa haber girado bajo los nᵒˢ. 72 y 73 dos libˢ. valiosos 400pˢ. y la otra 100pˢ.

Comenzo á lerse la memoria q. ha de presentarse al Gobierno y quedaron aprovados los dos capitulos q. tratan de oficina y de Jusᵒ. mineros y se acordo q se oficie al S. Otero preguntandole el estado q. tengan sus trabajos sobre arreglo de la legislacion minera.

Se leyó un oficio del Admᵒʳ. de la aduana maritima de Veracruz fecha 2 en q. participa no haber podido conseguir del girador de la libᵃ. nᵒ. 884 q. se respaldo otra en su remplaza en cuya virtud habia dado conocimiento del asunto desde 10 de Setᵉ. ofreciendo avisar el resultado=noticiese á la contᵃ. y a su espediente.

Otro del S. D. José Joaquin de Rozas, [Page 49, red ink.] fecha 5 avisando q. ha prevenido á su dependiente D. Antᵒ. Gutierres de Cuernavaca reciba las barras q. se le han de mandar de tasco y q. avisara el importe de las 6a de polvora q. mando á la misma negociacion.

Otro de D. Cayetano Buetron fecha 5 remitiendo mil trescientos sesenta y dos pˢ. nueve granos por productos del derecho de mineria del mes pasado=recibo y á la contᵃ. pˢ. los debidos asientos.

Otro de D. José Zamora fecha 2 avisando q. con el arriero José Apolonio se le remitan los 10 qq de azogue e la misma cantidad de sulbato q. tiene pedida—que se mande entregar.

De D. Manl. Mariano Cortazar fecha en Rio blanco á 25 del pasado remitiendo la ultima memoria de la mina de Atargea—á la contª. y avisando q. esta pronto el S. Rule á otorgar la fianza por el importe de las existencias q. se entregaron á Cortazar en dicha mina y reclamando el importe del cuidador de la mina en nueve semanas pidiendo se le remita en libranza el total de 98pˢ. 6rˢ. á q. asciende la memoria—la Junta acordo q. se diga al S. Rule q. se ha de venir pronto á Mejico podra otorgar aqui la escritura de fianza pero q. se tarda la estienda ante las autoridades de aquel mineral ó nombre un apoderado. Que [Page 50, red ink.] se oficie al S. Segura pª. q. entregue el anterior oficio y recabe la respuesta del Sr. Rule. Que se diga al S. Cortarzar nombre su apoderado pª. q. firme la escritura: Que la Junta no puede pasar conforme al convenio por el pago al ciudador de nueve semanas si no solo por tres y q. dificultandose la libranza se le entregara el importe de la memoria deducidos los 36pˢ. de dicha partida al comisionado q. mande cuando venga á firmar.

[3 Rubrics.]

—

[Page 51, red ink.]

Sesion del dia 13 *de Novª. de* 846.

Concurrieron los Sres. Segura, Flores, y Bassoco, y despues de aprovada la acta del dia 11 se acordo que se enterasese de una vez los tres trˢˢ. de la contribucion de casas por lo perteneciente al colegio.

—

[Page 52, red ink.]

Sesion del dia 16 *de Novª. de* 846.

Concurrieron los Sres. Segura, Flores, y Bassoco, y despues de aprovada la acta del dia 13 se dio cuenta con las comunicaciones siguientes.

1ª. Del Comisionado en Guanajuato remitiendo una letra de 5639pˢ. 7rˢ. productos de mineria en el mes de Octª.

2ª. Del de Zacatecas remitiendo otro de 4145pˢ. 2rˢ. 9 gˢ. pr. los del mismo mes.

3ª. Del de Durango incluyendo otra de 1349pˢ. 44 cent. correspondientes á la misma epoca.

4ª. Del de Zimapan fha 1º. de Novª. acompañando otra de 373pˢ. correspondientes al mes anterior—q. se reconoscan dichas letras se hagan los correspondientes asientos y se acuse el recibo.

5ª. Del de Zacatecas remitiendo otra de 123pˢ. 6rˢ. 3gˢ. pr. los productos de Octª. én Sombrerete.

Y otra por ultimo remitiendo el balance y la nota p^r. menorisada de lo colectado p^r. el derecho de mineria en aquella ciudad en el 2°. t^re., del presente año—recibo y á la Contadieria.

Concluida la lectura de la memoria q. tubo lugar en los dias anteriores se aprobó acordandose que se remita igualmente—al Supremo Gob°. [Page 53, red ink.] un oficio pidiendo se espidan por el Min°. de Hac^da. las ordenes respectivas p^a. q. concluido el bloqueo se pidan directamente p^r. las aduanas de Veracruz y Tampico las correspondientes lib^s. á favor de la Junta facultando á esta p^a. q. pueda negociar un prestamo p^a. accedir á los gastos del Colegio y los mas urgentes del ramo de azogue, acordando p^r. ultimo q. el S. Presidente la lleve al S. Min°. p^a. su mas pronto despacho.

[3 Rubrics.]

—

[Page 54, red ink.]

Sesion del dia 5 de Dic^e. de 46.

Concurrieron los S^res. Segura, Flores, y Bassoco y despues de aprovada la acta del dia 2, se dio cuenta con las dos comunicaciones siguientes del Ministerio de Relaciones fecha de ayer acusando recibo en el primero de las noticias q. se le remitieron p^a. la memoria autorisando á la Junta p^a. conseguir con el menor gravamen posible las cantidades q. necesite p^a. cubrir los gastos del colegio y los sueldos consignados al fondo de azogue con hipoteca de este fondo vajo el concepto de que se han dado las ordenes convenientes para q. desde luego y en cuanto se levante el bloqueo de Veracruz se remitase directamente á la Junta libranzas p^r. el 3 p. cent. de importacion hasta el completo de 80,000 p^s. anuales.

Agrega ademas q. en el caso de no obtenerse oportunamente dicho prestamo la Junta supla las cantidades necesarias del fondo dotal en calidad de reintegro p^r. el de azogues del q. se se reemboleara tan luego como reciba algunas cantidades de las aduanas ó q. se realise el indicado prestamo.

Los S^res. Flores y Bassoco manifestaron [Page 55, red ink.] que estando prefijado el destino del fondo dotal la Junta no tenia facultad para distraerlo á otros objetos ni en calidad de prestamo. El S. Segura espuse que estando en las facultades del Gobierno dictar la medida de q. se trata era de parecer su obsequiase la orden solicitandose desde luego con empeño el referido prestamo cuidando de recabar las ordenes convenientes para q. vengan las libranzas por valor de 50,000 p^s. anuales del puerto de Tampico tan luego como se vea libre de la invacion anglo americana en consecuencia la mayoria de la Junta acordo se diese al Gob°. la contestacion en los terminos indicados por los S^res. Flores y Bassoco, y el S^r. Segura pidio con-

stase en la acta su voto agregando ademas que espondria las razones en que se fundaba y las remitiriá al Gobierno.

El segundo oficio se contrae á exitar el celo de la Junta p^{a}. q. promueva todo lo conducente á fin de proporcionarse el prestamo de los dos millones de pesos para la compra del azogue español p^{a}. el q. la faculto el decreto de 17 de Febrero de 43 y se acordo tomarlo en [Page 56, red ink.] consideracion el lunes proximo.

[3 Rubrics.]

—

[SELLO.] *Secretaria de la Administracion del Fondo de Mineria:*

Yo Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta Capital, y encargado del archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852: Certifico que los Borradores de las actas de la Junta de Fomento y Administrativa de Mineria existen y forman parte de los Archivos de esta Oficina. Que entre dichos Borradores se encuentran los de las actas de dicha Junta por los meses de Abril, Mayo, Setiembre, Noviembre y Deciembre del año del 1846. Que los Borradores de cada uno de dichos meses estan cosidos por separado y que tienen escrito cada uno en la primera pagina lo siguiente: Los Borradores de Abril.—"Secretaria de la Junta de Mineria: Año de 1846.—Borradores de las actas del mes de Abril." Los de Mayo: "Secretaria de la 'Junta de Mineria. Año de 1846.—Borradores de las Actas del mes de Mayo." Los de Setiembre: "Secretaria de la Junta de Mineria. Año de 1846. Borradores de las actas del mes de Setiembre." Los de Noviembre: "Secretaria de la Junta de Mineria. Año de 1846.—Borradores de las actas del mes de Noviembre;" y los de Deciembre—"Secretaria de la Junta de Mineria.—Año de 1846.—Borradores de las actas de la Junta de Fomento y Administrativa de Mineria desde 2 á 30 de Diciembre del presente Año."

Certifico que las precedentes y anexas paginas numeradas por mi con tinta encarnada del 1 al 4 inclusive son una verdadera y exacta copia ó calco en papel transparente del Borrador de la acta de dicha Junta de la Sesion del dia 23 de Abril de 1846, y que las precedentes y anexas paginas numeradas por mi con tinta encarnada desde el cinco al trienta y nueve inclusive, son verdaderas copias ó calcos en papel transparente de los Borradores de las actas de dicha Junta de las sesiones del mes de Mayo de 1846, incluyendo la pagina de la Carátula de la misma, que las precedentes y anexas paginas numeradas por mi con tinta encarnada desde el Cuarenta al Cuarenta y seis in-

clusive son verdaderas y exactas copias ó calcos en papel transparente del Borrador de la acta de dicha Junta de la Sesion del dia 21 de Setiembre de 1846 que las precedentes y anexas paginas numeradas por mi con tinta encarnada del Cuarenta y siete al cincuenta y tres inclusive son verdaderas y exactas copias ó calcos en papel transparente de los Borradores de las actas de dicha Junta de las Sesiones de los dias 5, 9, 13, y 16 del mes de Noviembre, de 1846; que las precedentes y anexas paginas numeradas por mi con tinta encarnada del Cincuenta y cuatro al Cincuenta y seis inclusive, son verdaderas y exactas copias ó calcos en papel transpraente del Borrador de la acta de dicha Junta de la Sesion del dia 5 de Diciembre de 1846.

En testimonio de lo cual doy el presente en la Ciudad de Mexico, hoy 30 de Marzo de 1859.

MAN^{L}. COUTO, S^{rio}.

—

Yo Vicente Segura Administrador del Fondo de Mineria: Certifico que D. Manuel Couto, cuyo nombre aparece en el precedente certificado es Secretario de esta Administracion y encargado del Archivo de la misma Oficina de Mineria á cuyo Archivo pertenecen los Borradores de las actas de la Junta de Fomento y Administrativa de Mineria: que dicho Couto ejerce el empleo de Secretario en la fecha de su Certificado que su firma es verdadera y merece toda fé y credito.

En testimonio de lo cual, doy el presente bajo mi firma y sello de esta Oficina en la Ciudad de Mexico á 30 de Marzo de 1859.

[Sello.] VICENTE SEGURA.
[Rubric.]

—

El que suscribe Oficial Mayor del Ministerio de [Sello.] Fomento, Colonizacion, Yndustria y Comercio, certifica, que D. Vicente Segura y D. Manuel Couto, son, Administrador el primero y el segundo Secretario de la misma Administracion del Fondo de Mineria, que se halla bajo la inspeccion de este Ministerio. Atesta igualmente que los Archivos de dicha Oficina, estan al cargo del Secretario y por ultimo que las firmas constante al fin de los dos certificados anteriores, son las que aquellos Señores usan, asi como el sello puesto en los atestados, es el verdadero de la Oficina en que se hallan empleados.

Para testimonio de los espuesto doy el presente firmado por mi y sellado con el sello del Ministerio, en la Ciudad de Mexico á treinta y uno de Marzo de mil ochocientos cincuenta y nueve.

[Sello.] P. ALMAZAN.
[Rubric.]

Josè Miguel Arroyo, Yntendente honorario de Ejecito y Oficial mayor 1°. del Ministèrio de Relaciones exteriores de la Republica Mexicana.

—

56.

[SELLO.] Certifico que D. Pascual Almazan es oficial mayor del Ministerio de Fomento, Colonizacion, industria y comercio de la propria Republica y la anterior firma es la suya que usa en los documentos que autoriza.

MEXICO, Abril 1° de 1859.

J. MIGUEL ARROYO.

[Rubric.]

D^ros^. 4p^s^.

[SELLO, confining ribbon.]

JOSE M. DE BASSOCO.

—

No. 110.

CONSULATE OF THE U. S. OF AMERICA,
Mexico, April 2d, 1859.

I, the undersigned, Consul of the United States of America, for the city of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said officer.

Register J. Folio 52. Fees $2.

[SEAL.] In testimony whereof I have hereunto set my hand and affixed the consular seal the day and year first above written.

JOHN BLACK, U. S. Consul.

EXHIBIT BASSOCO NO. 2, O. H.

MINISTERIO DE HACIENDA,
Seccion 1ª.

El Exmo. Sr. Presidente interino se ha servido dirigirme el decreto que sigue.

"Mariano Paredes y Arrillaga, general de division y presidente interino de la República mexicana, á los habitantes de ella sabed:

Que considerando que la salvacion de la República en las circunstancias criticas en que la ha puesto la invasion extrangera, es el primer deber del gobierno:

Que todos los intereses se hallan comprometidos, y que en vano se pretenderia salvarlos, si ante todo no se salva la nacion:

Que para defender y asegurar el territorio nacional, tanto en la frontera, que ha sido invadida, como en otros puntos amenazados, se necesita indispensablemente atender à los gastos que se erogan en las tropas que el gobierno ha puesto en movimiento, y en las demas que se están levantando y organizando y que deben marchar con prontitud à los puntos à que el mismo gobierno se propone destinarlas.

En atencion à que por el ruinoso sistema de contratos no se proporcionan los recursos necesarios, y sí se empeñan por mucho tiempo todas las rentas de la nacion, como actualmente sucede, por hallarse gravados todos sus productos, y sin que el Gobierno cuente con la mas pequeña suma de que poder disponer:

Despues de haber procurado hasta aquí por todos los medios que han estado à su alcance, y aun por el mismo de los contratos, atender à cubrir los gastos mas urgentes, introduciendo en ellos las economías que ha sido posible en el corto tiempo que lleva de establecida la actual administracion:

Considerando que aun ese mismo sistema funesto ha venido ya à ser impracticable, y es cada vez mas ruinoso, y exigiéndose condiciones mas onerosas à medida que faltan garantías que ofrecer:

Queriendo tambien establecer el crédito nacional, que se halla completamente destruido, sobre bases seguras y unifomes, liquidando la deuda flotante contra el erario publico, asignando fondos suficientes para su pago, y haciendo éste compatible con las atenciones precisas de la nacion.

Discutido detenidamente este grave asunto en Junta de ministros, he venido en decretar lo siguiente.

1°. Se suspende provisionalmente el pago de toda clase de créditos que gravitan sobre las rentas del gobierno general y cualquiera otro pago que se esté haciendo acutualmente por decretos ú órdenes expedidas hasta esta fecha.

2°. Todas las oficinas de las rentas generales de la República, pasarán al ministerio de hacienda, inmediatamente que reciban este decreto, una razon circunstanciada de todos los pagos que se les hayan mandado hacer, y suspendan en cumplimiento del artículo precedente, expresando las sumas que tengan pagadas y lo que falte que satisfacer.

3°. Con presencia de los datos que remitan dichas oficinas en virtud del artículo anterior, el gobierno determinará el pago, en el modo y órden que sean mas convenientes, conciliando los derechos de los interesados con la marcha de la administracion pública.

Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento. Palacio del Gobierno nacional en México á 2 de Mayo de 1846.—*Mariano Paredes y Arrillaga.*—A D. Francisco Iturbe."

Y lo comunico á V. para su conocimiento y efectos correspondientes.

Dios y Libertad. México, Mayo 2 de 1846.

YTURBE.
[Rubric.]

—

EXHIBIT BASSOCO, NO. 3. O. H.

EXTRACTOS *de Memoria de la primera Secretaria de Estado y del despacho de Relaciones Interiores y Esteriores de los Estados Unidos-Mexicanos, leida al soberano congreso constituyente en los dias* 14, 15, *y* 16 *de Diciembre de* 1846, *por el ministro del ramo, C. José Maria Lafragua. Mexico:* 1847. *Imprenta de Vicente G. Torres.* 1847.

[Page 65.]

* * "En el Estado de San Luis Potosi, se hallan en proporcion los metales que se benefician, y el azogue que se estrae, y en la alta California se ha descubierto un criadero, cuya ley sobrepuja á la de la mejor mina que se conoce, la de Almaden, la cual no produce mas de un trece por ciento, cuando la nuestra, en los ensayos practicados en el Colegio de Mineria de esta Capital, sube á un treinta y cinco y medio por ciento." *

[Page 66.]

* * "Yo recomiendo al soberano congreso que fije su atencion en este ramo, haciendo de la esplotacion de nuestro

azogue, una verdadera empresa nacional, cuya importancia no se puede encarecer demasiado, bien sea creando un fondo, ó bien dictando otras medidas oportunas." * *

[Page 118. Documentos Justificativos.]

Num. 52.

(Pag. 64.)

"SECRETARIA DE LA JUNTA DE FOMENTO ADMINISTRATIVA DE MINERIA.

Exmo. Señor:—En cumplimiento de la superior orden de V. E. de 3 del presente, contraida á que esta Junta le dé cuenta de los asuntos confiados á su cuidado desde la época en que lo hizo en el año de 1845, y del estado que guardan actualmente, con el objeto de tenerlos á la vista, al hacer la Memoria que debe presentar al congreso general de la nacion, tan luego como se instale, ella tiene el honor de elevar á V. E. una sencilla relacion histórica del giro de los negocios mas importantes, de que se ha ocupado en estos dos últimos años, y de la situacion en que hoy se encuentran, con las reflexiones é indicaciones que ha creido convenientes al mejor desempeño y mas fiel cumplimiento de sus deberes;" * *

[Page 136.]

* * * "La Junta en 21 de abril, próximo pasado, pasó á la facultativa del colegio unas muestras de cinabrio que presentó D. Tomas Ramon del Moral á nombre de D. Andres Castillero, vecino de la Alta California, con una esposicion en que pide se le auxilie para trabajar una mina que ha descubierto en la mision de Santa Clara, conocida por los antiguos indios, quienes sacaban de ella el bermellon para pintarse el cuerpo. Hecho el ensaye por el profesor de química, resulta que los metales en comun produjeron la estraordinaria ley de 85½ por 100, lo que se participó al gobierno en 5 de mayo, manifestándole que se habia preguntado al Sr. Castillero cuales eran los auxilios que necesitaba de la Junta.

Este Señor presentó su solicitud en forma, y examinada muy detenidamente por la Junta, hizo sus proposiciones, en que esta convino, reducida á que se le franqueasen por entonces cinco mil pesos en numerario, ocho retortas de fierro, de las que mandó hacer la Junta para que sirviesen en los reconocimientos hechos anteriormente, y todos los frascos para azogue que tiene en el negociacion de Tasco. El Sr. Castillero se obligó por su parte á entregar dicha anticipacion en azogue, á razon de cien pesos quintal dentro de seis meses de su salida en el puerto de Mazatlan. Este convenio fué aprobado por el supremo gobierno en 20 del mismo; pero á vírtud de la declaracion hecha

por los Estados-Unidos del Norte, cuando iba ya á recibir la libranza sobre Mazatlan, el ministerio pasó la órden de 19 de setiembre de este año, mandando suspender todo pago del ramo de azogues, á escepcion de los gastos alimenticios del colegio y la oficina." * * *

[Page 146.]

* * * "No es la ocasion de presentar reunidos todos los trabajos de la Junta, para corresponder á la alta confianza con que la honró el gobierno. Una parte de ellos van especificados en la presente nota, y las demas se hallan consignados en las memorias, informes, y multitud de comunicaciones que obran en ese ministerio. Por ahora únicamente se reducirá á asegurar lo que consta de esos documentos, á saber: que el espiritu de la empresa se llegó á estimular en términos de estarse esplotando minas de azogue en los principales Departamentos de la República, ya por compañias, y ya tambien por particulares; que en el de San Luis Potosi, el azogue que se estrae está en proporcion de la plata que se beneficia, en términos de no necesitarse del estrangero; que en la Alta California, en el presidio de Santa Rosa, ha llegado á descubrirse un gran criadero, por el Sr. D. Andres Castillero, cuyas leyes son verdaderamente sorprendentes; pues resulta de los ensayes practicados en el colegio de Mineria que la que dan los frutos comunes sube á un 35½ por 100, cuando los de la mejor mina que se conoce, que es la de Almaden, no pasa de un 13 por 100; y en fin, que por todos los datos que sa han reunido, se puede esperar descansando en muy buenos fundamentos, que nuestros criaderos de azogues son mas que suficientes para habilitarnos de todo el que se necesita para el beneficio de nuestras platas.

Esta gran empresa nacional, la Junta no ha podido llevarla á cabo, porque se le privó de uno de sus fondos del 1 por 100 de la circulacion de la moneda sin sustituirle otro, y porque del que le restaba, solo ha podido disponer de menos de una tercera parte, pues el gobierno en los apuros del erario, ha usado de los restantes. El mal se ha agravó hasta el estremo lamentable de quedarse sin ninguno, por la órden de 10 de mayo ultimo, que mandó suspender todos los pagos que se hacian por la hacienda pública. Los resultados funestos de tales determinaciones, la Junta no se detendrá á pormenorizarlos; ellos se hacen patentes por lo hasta aqui manifestado." * * *

EXHIBIT BASSOCO NO. 4, O. H.

SECRETARIA DE LA JUNTA DE FOMENTO ADMINISTRATIVA DE MINERIA.

EXMO SENOR.—En cumplimiento de la superior orden de V. E. de 3 del presente contraida á que esta Junta le dé cuenta de los asuntos confiados á su cuidado desde la epoca en que lo hizo en el año de mil ochocientos cuarenta y cinco, y del estado que guardan actualmente, con el objeto de tenerlos á la vista, al hacer la Memoria que debe presentar al Congreso general de la Nacion, tan luego como se instale, ella tiene el honor de elevar á V. E. una sencilla relacion histórica del giro de los negocios mas importantes, de que se ha ocupado en estos dos últimos años y de la situacion en que hoy se encuentran, con las reflecciones é indicaciones que ha creido convenientes al mejor desempeño y mas fiel cumplimiento de sus deberes; pero si bien abunda en los mas sinceros deseos de dar todo el lleno debido á tan importante encargo, el corto termino de ocho dias que le fijó V. E. casi le quitarian la posibilidad de verificarlo con la extension y propiedad debidas, á no ser por los trabajos hechos por su secretaria á principios de este año para que se presentaren al gobierno, y que aprovecha ahora en consideracion á la importancia vital, por no decir necesidad, de que el procsimo congreso pueda imponerse desde luego por el respetable conducto de V. E. del resultado de las leyes, dadas para el fomento y arreglo del importante ramo de la Mineria, y de dictar medidas adecuadas para hacer efectiva la proteccion, que reclama como nunca hoy, la industria minera acaso la mas nacional de Mejico, y sin duda la capiosa é inagotable fuente de su riquesa publica. La Junta agradeciendo la invitacion de V. E., aunque carece todavia de algunos datos y documentos que podria conseguir, si contase con mas tiempo, se apresura á obsequiar sus deseos, reservándose ampliar mas oportunamente algunos puntos, que solo indica por ahora, confiada en que la premura del tiempo disculpará las faltas en que abunda su esposicion, asi como el olvido de algunos otros que no haya tenido presentes, ó á quienes no haya dado la importancia que se merecen, ó el desarrollo de que son susceptibles, prescindiendo de las de metodo, estilo, y redaccion inhevitables en todo escrito, al que faltran la lima y la meditacion necesarias.

DE SU OFICINA.

La Junta de fomento y administrativa de Mineria, instalada en 24 de Diciembre de 1842, para cumplir con lo prevenido en el articulo décimo del decreto de su organisacion, remitió al

ministerio respectivo en Noviembre de 843, el proyecto de reglamento, que hacia formado para la mas económica y fiel administracion de los fondos, que se le confiaron; pero el gobierno teniendo presente que no podia llenar sus importantes atenciones sin las manos necesarias para su desempeño, decretó en 30 de Diciembre la planta de sus empleados, y le devolvió el proyecto en Julio de 44 para que lo formase de nuevo con arreglo á las disposiciones posteriores.

Ella en Enero del mismo solicitó la aprobacion del articulo 29 del reglamento propuesto, sobre que á cada fondo se llevase cuenta separada, cargando al dotal las cantidades que se satisfacian por sueldos en el anterior establecimiento y al de azogue los que se aumentaban, y le remitió las respectivas propuestas para la provision de las plazas, quedando aprobadas las de dos oficiales y otros tantos escribientes de su Secretaria, la de archivero, la de contador, la de dos oficiales y un escribiente de contaduria y finalmente la de tesorero: todos los cuales tomaron posesion de sus destinos en los dias 10 de Febrero, 4 y 7 de Marzo, y en 8 del mismo reglamentó la Junta provisionalmente su oficina designando á cada uno de los empleados sus correspondientes labores.

En 19 de Mayo de 845, el supremo gobierno nombró á los S^{res}. D. Benigno Bustamente, Lic. D. José Maria Lacunza y D. Luis Varela, para que le informaran al Gobierno sobre los decretos, que organizaron nuevamente el Colegio de Mineria, autorizando á la comision para inspeccionar el Seminario y la oficina de la Junta. El informe que elevaron al Supremo gobierno se pasó á la misma, y está pendiente de su ecsámen.

Por haber fallecido el primer escribiente de Secretaria D. Manuel Garcia del Valle, el Supremo gobierno aprobó el ascenso del segundo, quedando sin proveerse la del primero.

En 23 de Setiembre del presente año, la Junta concedió licencia á su Secretario D. José Maria Castera, á quien tuvo á bien encomendar el Supremo gobierno una comision, y quedó desempeñando sus funciones el oficial primero con arréglo al decreto citado de 30 de Diciembre de 842.

PARTE DE FOMENTO.

JUZGADOS DE 1ª. INSTANCIA DE MINERIA.

Departmento de Mexico.

Aunque la Junta Departamental en 18 de Enero de 843, dispuso se establecieson diez y ocho juzgados mineros en sus distritos, la de Mineria manifestó que en lugar de conveniente, seria muy perjudicial la ereccion de doce de ellos á mas de los seis qué ecsistian antes, debiendo en consecuencia quedar salo los de Zimapan, Pachuca, Tasco, Zacualpan, Sultepec, y Temas-

caltepec, puntos en que ecsistian disputaciones territoriales, y dos nuevos, uno en el cardonal, y otro en Tepantitlan. Asi lo manifestó en 26 del proprio Enero aunque sin advertir que en el penúltimo lugar se hallaba establecida tambien una diputacion.

La Exma. Asamblea en 5 de Julio de 1844, teniendo presente lo espuesto por la Junta, resolvió que hubiese juzgados en Sultepec, Zacualpan, Tasco, Zimapan, y Pachuca: que el gobierno, oyendo á la Junta directiva del ramo, designará el distrito de cada uno con espresion de los minerales en èl comprendidos; y que los de Ajuchitlan, Cardonal, Temascaltepec, Tepantitlan, y el Oro, se estableciesen tan luego como hubiera numero suficiente de mineros para servirlos con las condiciones prevenidas en la ordenanza, á cuyo efecto el gobierno recomendaria á las prefecturas, que anualmente ministrasen las noticias necesarias, dando aviso á la propria asamblea, cuando alguno de ellos reuniese los elementos correspondientes.

Nada tenia que notar la Junta en cuanto á la primera parte de este acuerdo; porque ya habia manifestado su conformidad en la ereccion de los cinco juzgados referidos; pero no pudo dejar de advertir: que la segunda era contraria á lo prevenido en circular de 6 de Setiembre del mismo año, con respecto a que los Ex^mos^. SS. Gobernadores consultaron al gobierno supremo los lugares, en que debieran establecerse los juzgados mineros, motivando sus informes de acuerdo con las asambleas, en la inteligencia de que *luego que sean establecidos, designen ellos mismos el Distrito de su respectiva jurisdiccion, especificando los nombres de los minerales y de los asientos de minas que comprendan;* y que la tercera estaba apoyada en muy fundadas razones de justicia y de conveniencia; quedando sin embargo pendiente la dificultad, de que de los cinco juzgados de instalacion condicional so hallaban ya establecidos los de Ajuchitlan, Cardonal, Temascaltepec y mineral del Oro, asi como los que no tenian restriccion alguna, excepto el de Pachuca, en cuyo distrito se conservaba la diputacion territorial en consonancia con la circular Suprema de 14 de Enero de 1843 que previno, continuaran las corporaciones espresadas, interin podian establecerse los juzgados. Asi lo espuso la Junta al gobierno departamental en 24 de Julio de 44, para que se sirviese declarar: ¿Si continuaban todos ó quedaban algunos suprimidos?

La Exma. Asamblea en 10 de Octubre tuvo á bien reformar su anterior acuerdo, obsequiando la suprema resolucion citada en 6 de Mayo, bajo la inteligencia, de que los minerales no comprendidos en los limites, que demarcaran los juzgados perteneciesen en todos sus negocios al mas inmediato, segun el espiritu de la ordenanza, y disponiendo, que si de hecho se hal-

laban establecidos, no permanecieran, los de Ajuchitlan, Cardonal, Temascaltepec, Tepantitlan, y el Oro. De conformidad con lo que consultó la Junta en 18 de Octubre, el Supremo gobierno en 30 del mismo se sirvio aprobar lo determinado últimamente por la Exma. Asamblea.

En 29 de Octubre del año de 1845, se avisó al Supremo gobierno quedar establecidos con legalidad los tribunales de *Sultepec, Tasco, Zimapan, Pachuca, y Temascaltepec.*

A consecuencia de una solicitud que hicieron los mineros de Tepantitlan, Coronilla, Jimotla y otros, sobre que en el primero de dichos pueblos se estableciera una diputacion territorial, la Junta en 31 de Diciembre de 1842, secundó la pretension. esponiendo sus ideas á cerca el modo y términos en que debia cumplirse el articulo 28 de la ley orgánica, y tomadas sus razones en consideracicn, el gobierno espidió el decreto de 11 de Febrero de 1843. Con fecha 20 de Junio de 845, se dijo al gobierno departamental: que conforme al articulo 3°. de los acuerdos de la asamblea de cinco de Julio de 844, se sirviese prevenir á la prefectura respectiva remitiese la noticia del numero de mineros que hubiera en Tepantitlan con los requicitos de ordenanza, a fin de ver si podia formarse un juzgado minero en aque punto, supuesto estar ya acordado por la misma Asamblea y aprobado por el gobierno que se instalara, tan luego como pudiera llenarse esta indispensable condicion.

ZACATECAS.—Su Gobierno Departamental consultó la ereccion de seit tribunales mineros de primera instancia en *la Capital, el Fresnillo, Sombrerete, Mazapil, Pinos y Nieves,* y que en los demas lugares se pusieran encargardos, segun los habia en tiempo del gobierno colonial, con el único fin de recibir denuncios y dar posesiones. Propuso ademas, que para cubrir los gastos estraordinarios, sobre el importe de los derechos de Arancel, se les aplicara el grano que por cada marco de plata de la ley de dineros se paga y destina conforme al acuerdo de una de las legislaturas del Departamento al fondo de enseñanza pública.

La Junta en 17 de Agosto de 1843, opinó en favor de la aprobacion de los tribunales, que se designaron y del nombramiento de delegados; pero no del arbitrio, que se indicaba para acudir á las erogaciones, por no ser conforme con el artículo 4°. de la ley de 11 Febrero del mismo año, y que de su adopcion resultarian privilegiados los mineros de dicho Departamento, con prejuicio de la uniformidad y aun de la justicia, pues el decreto hacia recaer el gravámen de costas solamente sobre los interesados en los juicios, y no en todos los mineros de la respectiva demarcacion: que siendo esto equitativo, no

lo era, el que los mineros de Zacatecas repotaran mayores cargas, la que los demas de la República y que debiendo librarse á mineria de todo impuesto y concederle las franquicias imaginables, léjos de aplicarse el grano de que se trata á objeto alguno, debia quedar estinguido en su totalidad.

San Luis Potosi.—De acuerdo con la Junta departamental y supremo gobierno, el superior del mismo Departamento previno en 11 de Setiembre de 1843, se estableciesen juzgados mineros en la *Capital. Catorce, Charcas, Guadalcazar y Ojo Caliente*: que en los puntos donde existian diputaciones territoriales procedieran estas inmediatamente á hacer la eleccion de los individuos, que hubiesen de componer los espresados tribunales con arreglo á lo dispuesto en la ley de 2 de Diciembre, y en el título 2°. de las ordenanzas del ramo; y que en los lugares en que por algun motivo no estuvieran establecidas las diputaciones, las respectivas autoridades políticas dictaran providencias conducentes á la instalacion de los juzgados, segun se ha verificado con posterioridad en todos ellos.

Jalisco.—Su gobierno de acuerdo con la Junta departamental designó los puntos de *Bolaños, Hostotipaquillo, Etzatlan, Mascota y Sayula*, en cuyos lugares quedaron establecidos los juzgados.

Sinaloa.—La Junta departamental y su gobierno señalaron *la Villa de este nombre, Mazatlan, Culiacan, Cosalá y el Fuerte*, solicitando la facultad de que los juzgados nombraran en los pueblos de sus distritos, comisionados que, con sugecion á aquellos, conociesen en los asuntos sencillos y urgentísimos de registros, denuncios y posesiones que por las distancias no pudieran desempeñar los juzgados oportunamente con perjuicio de los respectivos interesados.—La Junta de Mineria en 4 de Abril de 1843, dictaminó de conformidad y solicitó, que al hacerse estas designaciones, se motivaran los informes. Asi lo dispuso el gobierno supremo en 6 de Julio de 1843, quedando establecidos posteriormente los cuatro primeros de los mencionados tribunales.

Chihuahua.—Conforme comunicó á la Junta el ministerio de justicia en 14 de Noviembre de 45, se aprobó el establecimiento de los juzgados en aquella *Ciudad, la de Hidalgo, Guadalupe y Calvo y Jesus Maria;* pero aun no se recibe aviso de la instalacion de los de Guadalupe y Calvo y Chihuahua.

Coahuila.—Por comunicacion del ministerio de justicia de

14 de Noviembre último aparece, que el gobierno departamental designo y el supremo aprobó, el establecimiento de juzgados en el *Saltillo, Valle de Santa Rosa y Monclova.* El segundo se instaló en 1°. de Enero de éste año, ignorandose si se han formado los otros dos.

MICHOACAN.—En 11 de Setiembre de 1843, se instaló el Juzgado de *Tlalpujahua* por acuerdo de la Junta departamental de 24 de Abril del mismo, y la antigua diputacion de Angangueo promovió y logró erigirse en tribunal de primera instancia en virtud del decreto de la Exma. Asamblea de 26 de Febrero de 1844.

GUANAJUATO.—Aunque carece la Junta de noticias oficiales sobre la instalacion del juzgado en aquella capital, sabe que existe; porque así lo acredita su correspondencia en otros particulares y la aprobacion, que ha dado el gobierno á la eleccion de sus funcionarios.

AGUAS CALIENTES.—El Superior gobierno de aquel departamento de acuerdo con la Junta en 27 de Setiembre de 1843, designó el partido de Asientos, como unico lugar á propósito para establecimiento de un juzgado minero, lo que se aprobó por el gobierno Supremo en 12 de Marzo de 1844, quedando desde luego instalado.

OAJACA.—Se consultó el establecimiento de un solo juzgado en *aquella* ciudad: se instaltó en 24 de Febrero de 1843, y se aprobó en 11 de Marzo del mismo.

DURANGO.—Desde 4 de Agosto de dicho año se propuso el establecimiento en *su capital*, de un juzgado minero, y se aprobó en 14 de Noviembre de 1845, ignorándose todavia su instalacion.

SONORA.—La diputacion territoria con fecha 8 de Diciembre de 1844, consultó á la Junta el modo y forma con que deberia verificarse la eleccion de los tres consultados á principios del año de 1845, conforme al decreto de 2 de Diciembre de 1842; pero como el gobierno de aquel Departamento de acuerdo con la Exma. Asamblea, debió proponer al Supremo los lugares donde debian establecerse juzgados mineros, y no lo habia verificado hasta 15 de Agosto del pp^{do}. por no hallarse reunida la espresada corporacion, la Junta dispuso en 19 de Abril que nada se variara, interin no se hiciese la designacion prevenida por la ley.

Han sido aprobados cuarenta y un juzgados mineros por este órden: 6 en cada uno de los Departamentos de México y Zacatecas:—5 en los de Jalisco, San Luis Potosí y Sinaloa:—4 en el de Chihuahua:—3 en el de Coahuila: 2 en el de Michoacan; y 1 en los de Aguas calientes, Durango, Guanajuato, Oajaca y Sonora, todos los que se hallan instalados á ecepcion del de la capital de Chihuahua y Guadalupe y Calvo, la capital de Coahuila y Monclova, el de Hermosillo en Sonora y el del Fuerte en Sinaloa.

Todos han hecho la renovacion de su presidente y cólegas con arreglo á la ley que los estableció, se han recibido las actas de dichas elecciones y elevadas al supremo gobierno por la Junta, han recibido la correspondiente aprobacion, exceptuándose una ú otra, que por haber side contrarias á la ley, se mandaron reponer ó subsanar los defectos, en que habian incurrido.

Cuando la Junta se ocupaba del proyecto presentado por la comision de visita para el mejor arreglo de estos juzgados, el decreto que restableció el sistema federal en la República, vino á paralizar sus tareas, pues que no conociendo la existencia de juzgados especiales, la resolucion de su permanencia ó abolicion depende del congreso.

El gobierno general por decreto de 2 de Setiembre procsimo pasado dispuso en su artículo 6°. que subsistan por ahora por lo relativo al Distrito y territorios. Mas es de advertir no se hallan establecidos juzgados de mineria en el Distrito y territorios, ni aun en Nuevo-Mexico y Californias, únicos de estos en donde habia antes diputaciones territoriales. Probablemente las legislaturas provisionalmente resolverán este punto respecto á sus Estados, interin que el congreso general se ocupa de la iniciativa, que el supremo gobierno asegura en el mismo artículo va á dirigirle. Mas entre tanto el gobierno del Estado de Mejico ha declarado en 1°. de Octubre procsimo pasado vigente el decreto de 2 de Diciembre de 42, que organizó la administracion de justicia en los negocios de mineria; pero con la variacion de que sea peculiar á aquel gobierno la determinacion de los puntos que el decreto reservada á la del supremo ejecutivo, mandando suspender en consecuencia los trabajos iniciados por los tribunales de mineria en obedecimiento de la órden, que les previno la formacion de sus avanceles de derechos, hasta que la Legislatura del Estado determine lo que crea conveniente sobre supresion, continuacion ó reforma de dichos tribunales.

LEGISLACION MINERA.

En 24 de Julio de 1843, se ocurrió al gobierno, manifestándole que las diversas disposiciones dictadas para el ramo de mineria, cambiaron considerablemente la organisacion del cuer-

po en lo directivo, administrativo, y aun en la parte legal que hoy la rige y debe conservarse: que las antiguas ordenanzas refundidas yá desde 1783, contienen multitud de artículos inadecuados á esta nueva forma, otros derogados por resoluciones posteriores, algunos, cuya modificacion reclamaba la esperiencia de muchos años y varios caidos en desuso, y que como la complicacion y confusion serian las naturales consecuencias de mantener en su actual estado el código minero ocacionándose perjuicios de suma gravedad al sistema orgánico ultimamente dado al propio ramo, opinaba porque de nuevo se refundiera el código de que se trata. En 9 de Agosto se facultó á la Junta para disponer la obra pudiendo erogar el gasto indispensable del fondo destinado al fomento de minas de azogue con acuerdo de sus consultores y prévia la correspondiente aprobacion suprema; y en 22 del mismo la junta nombró para el desempeño de tan interesante trabajo, al Señor Licenciado D. Mariano Otero.

En el propio dia del mes de Noviembre se pasó á la facultativa del colegio en consulta, una exposicion de D. José Maria Garcia del Valle sobre la urgente necesidad que, en su concepto habia, de que se formaran ordenanzas especiales para que la esplotacion del carbon fosil mineral; pero aun se halla pendiente dicho informe.

PÓLVORA.

La Junta menor permanente de la compañia de minas Zacatecano-mejicana, con motivo del reglamento de 18 de Octubre de 1842, publicado en 26 para que se espendiese la pólvora á los mineros á catorce pesos medio real la arroba, expuso en 28 de Diciembre del mismo los graves perjuicios que iban á ocacionarse al ramo con la espresada providencia, manifestando: que antes de ella la empresa de Zacatecas la vendia á 8 y 9 pesos, y pretendiendo la reduccion del precio á la primera de estas dos últimas cantidades.

En 3 de Enero de 1843, el apoderado de la negociacion de veta grande y en 28 del mismo mes, la compañia inglesa en el Mineral del Monte hicieron igual solicitud.

La Asamblea de dicho Departamento con oficio de 23 del mismo, remitió á la Junta copia de la iniciativa que hizo el dia 22, la cual entre otras cosas contenia la sigiuente proposicion.

"Le concede la libertad de fabricar pólvora, y su comercio será libre de todo derecho en los minerales."

Con fecha 10 de Febrero la Junta dirigió al Supremo gobierno la exposicion que corre impresa, fundando la necesidad de que se concedieran varias franquicias á la mineria, comprendiendo en ellas la de la reduccion del precio del citado árticulo.

El Supremo Gobierno con la de 17 pidió informe al director de la fábrica en el referido Departamento, sobre los costos de cada arroba y precio en que se espendia á los mineros, y aunque dicho empleado lo dió favorable en 1°. de Marzo, lo hizo sin contestar á las preguntas que se le habian dirigido.

El tribunal minero de Guanajuato en 23 de Febrero de 844, se ocupó de la urgencia que habia, para revocar una medida que tan dañosa era á la República y especialmente al propio Departamento, en el que la pólvora de contrabando se enagenaba de tres y medio á cuatro pesos.

La asamblea de Durango en 15 de Marzo del mismo reprodujo literalmente, en lo relativo á este objeto, la iniciativa de la de Zacatecas, adhiriendose tambien la de Jalisco en 6 del mismo mes.

Al recordar el despacho de este interesante negocio la junta en 11 del citado Febrero y 24 de Marzo reprodujo lo que sobre el particular tenia manifestado ella y el anterior establecimiento.

Fué suscrito al fin por la cámara de diputados el acuerdo de la de Senadores, que fijó el valor de dos y medio reales á la libra de pòlvora para el consumo de las minas, y se publicó en decreto de 30 de Abril de 1844, previniendo ademas el arreglo de las fábricas ecsistentes en Méjico y Zacatecas, y el establecimiento de las de Guanajuato, Chihuahua, Nuevo Leon y Sinaloa; en la inteligencia, de que en el caso de falta de fondos, el gobierno contratase unas y otras bajo determinadas bases con particulares ó corporaciones.

A consecuencia de una exposicion de la Junta, para que por la falta que habia de polvora en el último de dichos Departamentos, se estableciese en él la fábrica correspondiente, el ministerio de hacienda dijo al de justicia en 18 de Marzo de 1845, segun anunció á la junta en 19 del mismo, que aquel no se hallaba surtido; porque era dificil encontrar quien trasportara el propio articulo á tan larga distancia y porque la fábrica Zacatecana, de donde debia remitirse, no tenia mas que lo necesario para los Departamentos limitrofes: que respecto de la ereccion de la fábrica, aunque á su debido tiempo se hizo la convocatoria, no se presentaba propuesta alguna y que la Junta como tan interesada en el remedio de senejante mal podia, y en su falta el respectivo juzgado minero, hacer las proposisiones consiguientes, sin embargo de prevenirse á la Direccion general de Rentas estancadas, que covocara postores nuevamente y cuidase de surtir entre tanto de aquel efecto al propio Departamento.

Acordó la Junta en 1°. de Abril, se pidiera á las compañias y á lus juzgados de 1ª. instancia mineros, que habia entónces, la noticia de si sus respectivos minerales estaban provistos de

la pólvora necesaria y de la potencia precisa para el laboreo, y el dia siguiente se expidió la oportuna circular á los treinta tribunales mineros de cuya instalacion se tenia conocimiento.

De los juzgados contextaran afirmativamente los de Pachuca, Tasco, Zimapan, Oajaca, Bolaños, Catorce, Charcas, Zacatecas, Fresnillo, Pinos, Sombrerete, y la Diputacion de Santa Rosa: el de Tlalpujahua no pudo hacerlo por falta de datos ácausa de no saber à quien dirigirse por ellos, supuesto que no se hallaba aprobada su demarcacion; el de Guanajuato lo verificó, asegurando quo si la capital y sus inmediaciones estaban abastecidas, se debia à las precauciones tomados por los contrabandistas para llevar la pólvora à las minas y venderla à cuatro pesos cuatro reales, cuando la del estanco se espendia de pésima calidad à ocho pesos: el de Angangueo espuso: que siendo tal circumstancia la que hacia preferir la pólvora de contrabando, era indispensable que se construyese de grano mas fino é igual, à fin de emplearla en cartuchos pequeños para evitar que se moliera enteramente al llenar las cañuelas; pues de lo contrario se cebarian los cohetes, se perderia la carga y se malgastaria el tiempo, especialmente cuando los barrenos se abriesen en rocas que vierten agua: el de Mascota dijo: que la falta ha producido à veces la suspension de los trabajos, que algunos mineros ocurrian por pólvora hasta Guadalajara, y no encontràndola, fabricaban alguna; pero en cantidad insuficiente para una negociacion; el de Hostotipaquillo manifestó: que aunque la cabecera y sus cercanias se hallaban provistas, la escasez era suma en los minerales de Ixtlan, Ahuacatlan, Jala, San Pedro de las Lagunillas, Compostela, Santiago, Ixcuintla y Acaponeta: el de Mazapil hizo presente: que contaba con novecientas libras ó lo que era lo mismo para el consumo de tres meses: el de Morelos, que en la administracion principal sólo existian catorce cajones sin estar surtidas las de Tamazula, Rozales, y Baja-California; y las de San Luis Potosi y Culiacan, y que en ambos puntos se carecia absolutamente de un artículo tan indispensable.

De las trece compañias á que se pidió informe las del Mineral del Monte, Plateros y Zacatecano-mejicana contestaron afirmativamente; pero la de Rayas dijo, que la pólvora algunas veces escaseaba en su distrito: la de Veta grande; que aunque hasta 18 de Abril estuvo surtida, el incendio de la fábrica de Zacatecas, acaccido el dia 10 del mismo, hacia neceseria la libertad de este efecto en aquel departamento durante la rehabilitacion de la mencionada oficina ó mientras el gobierno podia contar con existencias suficientes para el consumo; la Restauradora del Mineral del Oro aseguró, que solo contaba con nueve quintales comprados en esta capital y con siete cajones remi-

tidos por la renta de la administracion de Ixtlahuaca; la de Guadalupe y Calvo, que en el Estanco no habia polvora alguna y que generalmente se esperimentaba suma escases, y la del Zorillo, que sin embargo de haber estado provista algunas vecer, en otras habia tenido que llevarla al mineral de Guanasevi, sujetándose al gravámen y à los peligros consiguientes del transporte, para no verse en la precision de suspender los trabajos de sus minas.

La Junta al recibir las comnnicaciones indicadas, dictó cuantas providencias le parecieron convenientes y eran de su resorte, para que no faltara el espresado articulo en los lugares mineros, especialmente desde la ruina de la fábrica de Zacatecas y tuvo el gusto de ver obseqiados sus deseos en lo posible por las antoridades respectivas.

El arrendamiento de la fábrica de Chihuahua no pudo verificarse; porque en el incendio de la de Zacatecas pereció el Sr. Montel con quien se habia contratado; porque no habia probabilidad de que su familia continuase en la empresa y porque los mineros del Departamento no se hallaban en ánimo, ni estaban en posibilidad de hacerse cargo de la fábrica, asi como tampoco las negociaciones Mejicana de Guadalupe y Calvo y Sur Americana del Zorrillo, la cual en 17 de Junio fuè de parecer, que en dicho Departamento y en el de Durango, se contruyese libremente la pólvora; porque no habièndola en el estanco, y no permitiendose à los particulares su elaboracion, era lo mismo que prohibir el trabajo d las minas; pero la direccion en 18 de Julio aseguró: que ya no debia temerse, en virtud de las providencias tomadas, la falta de aguel articulo y que con respecto al establecimiento de la fábrica, se solicitarian nuevos licitantes con acuerdo del supremo gobierno.

La nota oficial del de Zacatecas en 20 de Mayo de 845, que se publicó en el N°. 131 del Observador de 12 de Agosto, entre otros ofrece este importante dato. " La renta se perjudica con proveer desde esa capital à estos Departamentos. En la fábrica de Santa Fie tiene de costo la pólvora de minas dós reales tres octavos cada libra, y como su precio legal para los mineros es el de dos y medio reales, el octavo de diferencia no compensa los gastos de embases, fletes y honorarios por el espendio. La dificultad de proveer à este y à los demas Departamentos del interior con oportunidad, es otro de los inconvenientes que es de tomarse en consideracion, por el supremo gobierno, para que se sirva resolver á cerca de la consulta que tengo hecha para que continúe la elaboracion de la pólvora en esta capital."

Aunque no han venido todos los datos que se esperaban de los juzgados, los recibidos bastan á probar en concepto de la Junta.

Lo primero: Que no siempre ha estado surtida debidamente de pólvora la minería, ni era fácil que lo estuviese permaneciendo el estanco, aun cuando no sea, mas que por dificultades que ofrecia el transporte oportuno.

Segundo: Que tampoco en lo general ha sido de buena calidad, ocasionandose por consiguiente gastos tan crecidos como infructuosos à los mineros.

Tercero: Que surtiendose de pólvora desde de Mejico á los Estados al precio de dos y medio reales libra, ó el octavo que hay de diferencia en el costo, que tenia en la fábrica de Santa Fie, no compensaba los gastos de conduccion, gravándose con el ecseso de su importe la haciendo pública, ó si para evitarlo se aumentase el precio, la minería quedaria nuevamente gravada.

Cuarto: Que la esperiencía ha manifestado la casi imposibilidad de establecer las fábricas designadas en el decreto de 30 de Abril de 1844.

Quinto: Que segun lo ha acreditado la misma, los particulares pueden espender este artículo à menor precio que las fábricas.

Y por último, que el benéfico decreto de 8 de Setiembre prócsimo, al declarar libre la fabricacion de la pólvora de todas clases, ha puesto en evidencia de un modo satisfactorio las convicciones del Supremo gobierno en este importante asunto y con especialidad la de que los gravámenes consiguientes al monopolio, pesaban demasiado sobre los mineros que no se surtieren del contrabando.

La Junta ha disputado la grata satisfaccion de ver secundados al fin sus fervientes deseos y el placer de dar á nombre del cuerpo minero las gracias mas expresivas á la administracion que hoy rige á la República.

FIERRO.

Con fecha 30 de Setiembre de 1843, la Junta pasó á informe á la facultativa del colegio una solicitud, en que D. Juan Gándara y despues D. Antonio Hurtado, pidieron varios privilegios, para esplotar y beneficiar el fierro en las minas de Tuxpan del Departamento de Michoacan, advirtiéndole que al dar su dictámen, comprendiera en él su juicio sobre si debian estenderse las pertenencias de los minas de dicho mineral, designando en el caso afirmativo las respectivas dimensiones; pero de tal modo que la providencia que recayera, fuere adoptable por regla general.

La espresada junta facultativa en 23 de Noviembre del mismo año y esta de fomento en Marzo y Noviembre de 844, se opusieron á la mayor parte de estas pretenciones por graduar-

las de sumamente exageradas y de insuficientes los artículos relativos de la ordenanza, para satisfacer los deseos de los interesados.

D. H. J. Blumm en 14 de Setiembre de 845, participó á la Junta estar formada en la Sierra de Cápula à las inmediaciones de Sayula una empresa, que tenia por objeto la esplotacion del fierro y cuyas labores comenzarian muy luego. Al anunciar la importancia de la negociacion y la necesidad de consumir crecidas cantidades de carbon solicitó se declara por una ley general: "Que los montes y bosques cercanos á las fundiciones pudiesen ser denunciados por los dueños de las minas de fierro y concederles su propiedad prévia indemnizacion à sus dueños del valor de ellos por avaluó, ó bien capitalizando el arrendamiento, si lo hubiese y bajo la expresa condicion de cultiva el monte ó bosque."

En concepto de la Junta, el abandono con que se han visto hasta ahora los plantíos de arboledas y la conservacion de bosques, da bastante motivo para llamar la atencion del Legislador hacia este interesante punto de nuestras leyes agrarias.

Esta concesion podria servir como un ensayo de los buenos efectos, que debe producir la adquisicion por denuncio de los montes cercanos à los criadores de fierro. La Junta pulsó el inconveniente de que mucha parte de los bosques son propios de las municipalidades, cuyos vecinos disfrutan del uso de la leña y carbon, aun sin cumplir las leyes de la época de Carlos III, que previenen no se corte un árbol sin plantar en su lugar dos estacas; pero cree seria facil allanar la dificultad, dejando los mismos gravàmenes como en censo à los propietarios del monte ó bosque, previo el convenio judicial correspondiente, en el que convendria estipular por último, que los mineros no pudiesen vender dichos artículos para el consumo doméstico.

El interesado aspiraba ademas à que las minas de hierro sentadas en terreno propio, pudieren ser trabajadas por su dueño sin necesidad de denuncio, con tal de que lo hicieran con arreglo à la ordenanza y que se derogaran los aranceles, que imponen derechos à aquel acto y al de posesion; porque siendo ecsecivos impeden hoy el fomento del ramo. Estas dos ideas, que parece deben reducirse à una sola, la de que no se satisfacieren derechos por denuncios, ni pocesiones de minas de hierro, supuesto que la primera no podria verificarse, sin que el propietario diese aviso à la autoridad, de que comenzaba à trabajar la mina, en vez de ser útiles, impedirian el que todos pudieren esplotar el terreno, denunciàdolo, y por consiguiente trabajàndolo sin demora; siendo ademas por ahora impracticables en toda la extension atension que se pretende la libertad de derechos en los denuncios y posesiones, aunque sí evitando el exceso, que

puede haber en la materia, pues no estando dotados los juzgados mineros, es preciso dejar à sus secretarios y oficinas algunos derechos, asi como à los individuos de los tribunales que carecen de sueldos y que por ir à dar las posesiones à puntos mas ó menos distantes, se hacen acreedores à alguna recompensa.

Atendiendo por último à que si las ordenanzas prescriben el modo de trabajar minas, vetas y mantos en forma, sus reglas no pueden aplicarse à criaderos irregulares de metal con bolsas y ojos, proponia se agregara à dichas ordenanzas; que todas las minas, en las que no tuviesen aplicaciones las reglas de la ordenanza, se trabajasen conforme à las generales del arte.

Como no se hallan en nuestro pais marcadas esas reglas generales, el acuerdo que se dictase en los términos indicados seria inútil por su misma vaguedad, en concepto de la junta, la cual deseando el acierto, pidió sobre todo informe à la facultativa del colegio, la que opinó de conformidad con las opiniones indicadas.

ALCABALAS.

Con fecha 17 de Febrero de 1843, y à consecuencia de la exposicion de la Junta del dia 10, el gobierno exigió al director de rentas le informara sobre el producto de dicho ramo en los minerales; pero especificando la parte correspondiente al consumo exclusivo de las minas à fin de poder calcular las verdaderas pérdidas, que tendria el erario en el caso de eximirse à los mineros del espresado derecho.

En 14 de Julio se pasó à la Junta en consulta un expediente instruido por la direccion de alcabalas y contribuciones directas, en que, con la mira de dar mejor cumplimiento al decreto de 24 de Mayo del mismo año, consultó se espidiera una circular, detallando los artículos, que en la inteligencia de aquella oficina se hallaban eceptuados, y en 31 de Julio referido se impugnó tal medida de la manera que aparece de una exposicion, que se imprimió en algunos periódicos, y despues en el primer apéndice de la última memoria del ministerio de justicia é instruccion pública.

El Sr. D. José Cirilo Gomez Anaya, en representacion de los dueños de la Mina de Barranco en Bolaños, solicitó en Setiembre la exencion de todos derechos à las platas, que se extragesen de aquella, así como à los efectos, que se consumieran en su laboreo y beneficio. Túvose presente para apoyar ésta pretension, que despues de siglo y medio de abandonada la mina, una compañia inglesa la trabajaba desde el año de 826: que no habiendo en el mineral mas que algunos pescadores su poblacion subió à siete mil habitantes, sin embargo de que la insalubridad del clima, que la redujo à tres mil, tan luego como

desertaron las aviodores, por haber consumido inútilmente mas de siete millones de pesos: que habiendo pasado un año desde que la empresa de Lóndres espidió su órden, para que cesaran los trabajos, el director sin embargo, continuaba en ellos de su cuenta; y no obstante haber sacado mucha plata, estaba perdiendo hasta entónces mas de veinte mil pesos. La junta recomendó al Gobierno la solicitud, insistiendo en la necesidad de declarar la absoluta exencion de Alcabalas à los efectos de consumo minero. Propuso tambien la del tres por ciento à Bolaños, siempre que esta gracia cesara en el momento de obtener la negociacion algunas utilidades, à cuyo fin la Junta se encargaria de hacerla terminar, en cuanto se persuadiera de haber cesado la causa del quebranto.

La iniciativa que la Asamblea de Zacatecas hizo en 22 de Enero de 1844, contiene entre otras esta proposicion. Se eceptúan del derecho de Alcabala y de todo otro impuesto, sea el que fuere su denominacion, los efectos, que consume la mineria en la extraccion y beneficio de metales. En 6 de Febrero se remitió al Supremo Gobierno recomendada la espresada iniciativa, que reprodujo la asamblea de Guanajuato en 6 de Marzo, añadiendo solamente: que se exceptuasen à los sirvientes y operarios de minas del servicio de las armas.

En el proprio dia el administrador de Zimapan consultó al principal de rentas en el Departamento si debia ó no pagar el derecho de alcabala, el carbon y la leña, que se consumiera en las haciendas de fundicion de metales de aquel mineral; porque no estaban comprendidos en las excepciones concedidas por decreto de 23 de Agosto de 1827, ni en las contenididas en el de 11 de Julio de 1843, y porque produciéndolos el mismo mineral, no podian introducirse en él con guia ni pase. Considerando la administracion que si el decreto de 23 de Agosto no se refirió à dichos articulos tan solo fué, porque entónces ningun impuesto tenian en el Estado de Méjico y que si no hubiera sido así, el decreto los habria comprendido entre los eceptuados, como tan esenciales para el laboreo de las minas, opinó en favor de la exencion, lo mismo que el director siempre que la declarase el cuerpo legislativa. La Junta manifestó al gobierno, que tan lejos de disminuirse los gravámones de la minería, sin cesar se aumentaban con notable detrimento de la riquesa pública.

Con fecha 15 del espresado Marzo, la Asamblea de Durango secundó la iniciativa de Zacatecas.

A causa de haber establecido D. Agustin Meinecke, ciudadano de Colombia y residente en Atotonilco el Chico, un nuevo beneficio de metales, por el que no solo se utilizan los de buena ley, sino los que anteriormente no se podian beneficiar y se

llaman de *quemazon*, segun acreditó con varias certificaciones, se redujo á pedir, en lugar de un privilegio esclusivo, que monopolizara el descubrimiento, el que se cumpliese con las leyes, que exceptuaron de alcabalas á los frutos y efectos necesarios para el laboreo de las minas y el beneficio de sus metales; que no se exigiese de los efectos destinados al proprio beneficio en su hacienda y que se le devolvieran las sumas depositadas y los derechos que se le habian cobrado indebidamente. La Junta elevó al Gobierno con recomendacion la expresada solicitud.

Al hacerlo tuvo presente que la Real Orden de 29 de Enero de 1785, publicada en 11 de Abril del propio año, dispúso que de las *gretas, plomo, cendrada, y demas ligas, que resultan de los metales y así mismo de la sal, saltierra y magistral con que se benefician los de azogue no se cobrase alcabala, aunque no se introdujesen de cuenta de los mineros, con tal de que los que compren estos efectos, lo hagan para consumirlos en su destino y no para negociar en estas especies:* que la de 12 de Noviembre de 1791, no solamente confirmó estas ecepciones, sino que las amplió á todos los minerales de N. E.: que la de 6 de Diciembre de 1796, rectificando la anterior, concedió la libertad de derechos á los géneros y efectos que se consumiesen en los *Reales de Minas*, con tal de que solo se invirtieran por los compradores en el laboreo de ellas y beneficio de sus metales; y reprobando lo que proponia la direccion de alcabalas, sobre exigir juramento de ser este el destino de las introducciones: y que tanto las citadas, como otras leyes diversas exceptuaron igualmente el pago del derecho de alcabala, al carbon, leña, madera de encino, piedras, loza, tejamanil, fierro, acero, cueros al pelo, sebo, jarcia, maiz y otros frutos para igual objeto; aunque estas disposiciones no se complieran con toda exactitud, como la acredita la circular de 2 de Setiembre de 1785, en que fué preciso prevenir á los administradores de la renta, diesen razon de los individuos, á quienes hubieran exigido la alcabala contra lo dispuesto por aquellas leyes, á fin de que se les devolviese su importe desde luego.

Tuvo así mismo en consideracion la Junta que el decreto de 11 de Julio publicado en Diciembre de 843, declaró; que debian permanecer vigentes todos las gracias concedidas sobre alcabalas á la Minería, con tal de que los efectos se introdujesen *á las minas*, cuyas palabras, que por el relato de las disposiciones anteriores y por la practica seguida en la mayor parte de la República, debian entenderse respecto de los distritos mineros, pues que las gracias se acordaron, sin distincion al laboreo de minas y al beneficio de metales, expresándolo así algunas terminantemente, han dado márgen á que varios admin-

istradores hayan querido restringir este bien á sola las minas, sin considerar; que la concesion está hecha nominalmente á algunos efectos inútiles para las minas como el azogue, el magistral y cuantos sirven á la fundicion ó beneficio de metales. Así lo comprueba el hecho de que al dueño de la hacienda de San Pascual en el mineral del Chico se ha obligodo à pagar por la introduccion de greta y á depositar algunas cantidades por alcabala de efectos, con el pretexto unas veces de que nó eran de los que se introducen á las minas, y otras de que no venian guiados á minero, cuando la gracia no solo comprende á estos, sino á los maquileros y á los beneficiadores, en cuyo número se encuentra el interesado; porque si no tiene mina, avitita muchas direta ó indiretamente, debiendo por lo mismo disfrutar de las ventajas concedidas no á las personas, sino á los productos de la minería.

Aunque es justo que la renta tomase las precauciones legalmente demarcadas, para impedir que en fraute de una disposicion excepcional, se liberten el pago de derechos en el consumo comun esos mismos efectos; pero ellas jamas deben entorpecer el benéfico fin, que se propuesieron las leyes al libertar de derechos la elaboracion de las platas, supuesto que lo rinden al erario público y de la manera mas provechosa en los ensayes y demas oficinas destinadas al efecto.

Se vé, pues, que el antiquisimo empeño de algunos empleados en las aduanas sobre desvirtuar las disposiciones, que bajo áquel respecto agracian al ramo minero, renace incensantemente causando nuevos y graves daños, no obstante los esfuerzos hechos por la sana razon para contrariarlo.

En resúmen las iniciativas dirigidas por algunas de las asambleas departamentales acerca de este importante asunto se hallaban obsequiadas completamente con el decreto de 10 de Octubre próximo, que prevenia la total extincion de la renta de alcabales; mas como se haya derogado por el de 9 del presente mes, la Junta se vé en el caso de pedir en favor del ramo, cuyo fomento se le ha encargado; que al menos quede extinguida la alcabala en su totalidad en todos los minerales de la República.

AZOGUES.

El primer apéndice de la ultimo memoria del ministerio de justicia é instruccion pública contiene lo que compendiosamente espuso la Junta en 24 de Febrero de 1844, sobre las medidas adoptadas por el gobierno provisional en favor del ramo, los resultados que habian producido hasta la propia fecha y las que á su juicio, debian tomarse, para que no se hicieran ilusorios los fines laudables, con que aquellas se expidieron.

El periódico Siglo 19, en sus números 1361 y 1362, de 21

y 22 de Agosto de 845, insertó un comunicado *del Diario de la Marina de la Habana* de 3 de Junio anterior en que se indican las franquicias, que en concepto del articulista debieran adoptarse en la tarifa de la Isla de Cuba, para que se efectuase el tránsito por su depósito de parte de los azogues destinados á Méjico, que hoy conducen los vapores británicos, con lo que estaba permadido, se obtendrian ventajas sensibles á favor de la marina y del comercio de aquella nacion, la cual en virtud de su influencia y de otras varias circunstancias, podria con el tiempo favorecer mejor sus intereses y los de la República por medio de tratados convenientes.

A juicio del autor remitiendose el azógue á dicha Isla, mientras que no se pida para el consumo de nuestro pais y conservandóse los capitales Españoles en aquel distrito con las garantias de su gobierno podria lograrse, que sus habitantes tomasen parte en el negocio, usando de sus propios recursos, para sostenerlo y facilitarlo, dividiendose en consecuencia los riesgos y los desembalsos; porque venderian sus azogues en la Habana, cuantos en los envios directos no quisieran correr nuevos peligroe; y porque los grandes intereses, que en la República paga el número facilitarian la doble operacion, minorando las exhibiciones, supuesto que existiendo el azogue en poder del agente en la Habana, este proporcionaria sin duda á los Mejicanos medios adecuados, para comprarlo en España con las garantias de algunos banqueros Europeos.

El el proyecto, pues, se propone la destruccion del monopolio de azogues, abriendose al efecto un mercado para su compra de primera mano, y en el último caso, con un pequeño aumento en el valor, repartible entre los individuos ó corporaciones, que en la empresa resultáran agraciados.

Pero atendiendo á que el gobierno podia necesitar de algunas anticipaciones sabre la renta, tal vez equivalentes á las exigidas en la ultima contrata, juzga oportuno, que con tiempo tomara parte la Repuública, para que se hiciese un negocio entre el banco de Isabel segunda ú otro establecimiento nacional y el gobierno de Madrid, á ejemplo del que tenia arreglado el Ministerio Mon con el Banco de San Fernando.

Supónese en el artículo, que el capital podria formarse, contribuyendo el propio Banco, algunas casas de Europa por medio de suscriciones y los Mejicanos por el de esta junta; y que se cediera á los accionistas la parte, que dejara al mismo Banco la administracion y venta de azogues, consignandale estos con las garantias convenientes.

Cree tambien el articulista, que de Mejico pudiera ofrecerse directamente al gobierno español el préstamo de una suma considerable por cierto número de años, siempre que se comprom-

etiera á renunciar á otras contratas, espendiendo el efecto á un precio determinado.

Tales son, sobre poco mas ó menos, las bases primordiales de uno de los proyectos formados para que la España enagenase sus azogues en términos propios á obtener inmensas ventajas del comercio recíproco, que hasta hoy hace esclusivamente la Inglaterra; y la Junta, al dar á V. E. esta idea del de la Habana, solo lleva por fin el de recordarle la necesidad urgentisima que hay, de que se adopte ese ú otro cualquiera, para cubrir con menores quebrantos el gran deficiente, que deja el azogue mejicano en los consumos de las minas, especialmente cuando la contrata celebrada con la casa de Roschild termina en el año entrante, y el Soberano Congreso podia facultar à la Junta como lo hizo en 17 de febrero de 1843 por su decreto del mismo dia.

En el periódico de Tampico de Tamaulipas, la Esperanza número 11 de 12 de marzo del anterior año, los edictores copiaron una carta de San Luis Potosí, que anunciaba una bonanza de azogue en Guadalcazar, la que anunciaba la extraccion de mas de tres quintales diarios. La Junta en 26 del propio mes ofició al respectivo gobierno, pidiéndole noticias pormenorizadas del descubrimiento con el fin de fomentar su laboreo y beneficio.

En 2 de abril contestó: que tenia pedido el correspondiente informe y que tan luego como lo obtuviera, lo remitiria à la Junta, confirmando la noticia à pesar de que los aparatos destilatorios eran de barro; dijo que en aquellos dias se habian introducido varias partidas hasta de veinte frascos, y que se habian contratado para Guanajuato algunas remesas mensuales.

Como por la mejora de los mismos aparatos deberia obtenerse el incremento de Guadalcazar aprovecharse toda la ley del metal, que hoy se pierde, conseguirse la estabilidad de los productos y lograrse la fundacion de economias en toda clase de gastos, el gobierno del Departamento quiso, que cuanto ántes se hiciera una visita cientifica y la Junta en 16 de abril, aunque se hallaba al alcance de las ventajas, que resultarian de mandar una persona inteligente, que contribuyera á la mejor direccion del laboreo de los criaderos de Guadalcazar y con especialidad à la mas económica y abundante destilacion del azogue, contestó: que entonces no podia hacerlo por la falta de fondos.

El periódico citado en su número 16, de 2 abril volvió á hablar de los progresos, que se hacian en Guadalcazar, asegurando, que en cuatro dias se extrajeron cuatro quintales, habiendo habido arroba de metal que rindiese diez y siete onzas, no obstante la grande evaporacion, que era preciso resultase de la poca intelegencia, con que el metal se beneficiaba; que habia cuatro minas en trabajo y sesenta denunciados; y que al des-

arrollarse el espiritu de empresa habia producido muchos rescatadores de metal en piedra.

A reserva de remitir datos mas precisos, el gobierno departamental en 10 de mayo acompañó copia del informe dado por la prefectura de San Luis en 5 del mismo. De él aparece que segun las investigaciones practicadas en la mina de San Antonio, ademas de las vetas, mantos y rebozaderos casi superficiales, que se trabajaban, habia ya resultado un secundo manto à treinta varas de profuudidad, cuyos metales de ley superior, pues que rendian de cuatro á cinco libras por carga, podrian aumentar considerablemente sus productos, perfeccionándose los aparatos de beneficio, que consisten hoy casi totalmente en cántaros con tubos de barro y conductores de metal; que se confirmaban las especies de que el terreno esplotable ocupaba una superficie de cinco leguas cuadradras, poco mas ó menos: que su situacion se halla al norte de Guadalcazar y circundada toda de abundantes maderas, que conforme à lo espuesto por el juzgado minero respectivo, hasta el 26 de abril habian sido descubiertas en su jurisdiccion ochenta y dos minas: que no se habian emprendido otras obras que las muy precisas para quemar en lodo, que es el método mas comunmente usado: que de todas las minas solo cuatro se hallaban en frutos: que de la de San Antonio, la mas productiva, se sacaban cincuenta cargas diarias con ley de 2, 3 y 4 libras, no sabiéndose con ecsactitud los productos de las otras: que con el mal método del beneficio, no se aprovechaba toda la ley que tienen: que habia en las inmediaciones algun surtido de leña y agua y que las demas minas registradas se trabajaban en obra incierta, dando la mayor parte muestras del panino, en que se cria el cusábrio.

El ministerio de justicia con fecha 7 de junio, transcribió à la Junta un oficio del gobierno de San Luis de 31 de mayo, acompañando copia de otro de la asamblea departamental, que contiene la siguiente proposicion.

„ Se escritará por conducto del gobierno del Departamento y con conocimiento del supremo de la República, á la Junta de fomento de Minería de Méjico, para que situé un fondo de rescate de azogue en el mineral de Guadalcazar, por ahora de 20,000 pesos y para que, á espensas de sus fondos, construya los aparatos de quema mas necesarios y útiles, en que por sus costos se beneficien los metales de azogue de aquellas minas, calculado solo un pequeño aumento, para indemnizacion de los gastos de su construccion." La Junta contestó al supremo gobierno en 18 del mismo mes, confesando la conveniencia del reconocimiento y la de que se establecieran los aparatos, quejandose al mismo tiempo de la falta de fondos y haciendo presente la necesidad que habia, de que se espeditaran los pagos

entorpecidos de los fondos destinados por la ley, para el fomento del ramo de azogues.

El director general de industria en 14 de dicho mes acompañó una esposicion de la Junta industrial de San Luis, en que con fecha 7 del mismo y al exitar à esta de fomento, para que protegiese eficazmente à Guadalcazar, à fin de evitar que decayera, como no seria remoto sin tan indispensable auxilio: mientras que con él podia asegurarse un ecsito brillante, solicitaba el reconocimiento cientifico, aparatos perfeccionados de beneficio y la ereccion de un rescate; pero la Junto tuvio el sentimiento de manifestarle su carencia de fondos; agregando que habiendolos pedido en 19 del mismo al supremo gobierno, el superior de San Luis designara la persona ò personas que en aquel mineral se encargara de custodiar el dinero, que hubiese de servir para el rescate, así como de la compra y venta del azogue, caucionando al efecto el comisionado suficientemente su manejo.

El mismo gobierno en 9 de Julio avisó en contestacion, que los pocos individuos capaces, que habia en el espresado mineral, los consideraba ocupados en sus propios negocios, creyendo por tanto mas oportuno elegir una persona de San Luis, que por si ò por medio de un agente, bajo su responsabilidad desempeñarse el encargo.

La Junta en 20 de Agosto del año anterior, manifestó al gobierno de San Luis, que sin embargo de las escaseces del fondo, situaria desde luego en San Luis cuatro mil pesos para el establecimiento del rescate de azogues en caldo en el repetido mineral, sin otra restriccion que la de que se conservara sin menoscabo la suma indicada, à cuyo fin podia formar y remitir el reglamento correspondiente, comprendiendo en el un método adecuado, para favorecer á los esplotadores del azogue y á los mineros que lo compraran, cubriendo todos los gastos de administracion é indemnizando à la persona, que se encargara de ella, bajo las respectivas garantias y designar al individuo que hubiera de servir la comision, ya fuese de San Luis ó de Guadalcazar. Dicho gobierno avisó en 27 de Agosto, estar ocupándose ya del establecimiento de la agencia.

Posteriormente el juzgado de Guadalcazar en 30 de Octubre del año pasado manifestó, que las minas de cinabrio registradas llegaban à ciento veinticinco, las denunciadas à treinta y tres, y que aquel extraordinario criadero daba lugar, á que se situasen muchas mas de las establecidas hasta entonces, pues siguiendose las bocas antiguas, que parace fueron desde tiempo inmemorial trabajadas por los indigenas, aunque no haya de ello noticia alguna en el archivo del tribunal, se dilatan los escarbaderos como seis leguas en circumferencia del mineral de plata,

teniendo una legua en su menor anchura, causa por lo que juzgaba debia encontrarse allí un gran deposito, y mas cuando se vé que algunas de las minas trabajadas antiguamente manifiestan por sus terrenos una profundidad hasta de cien varas y que no obstante los varios registros y denuncios hechos, las minas posesionadas y que presentan abundantes frutos, aunque de escasa ley ascenderan hasta veinticinco, hallándose las demas en investigaciones, pero muy superficiales por falta de capitalistas, que se dediquen al giro, extrayéndose mensualmente ciento y tantos quintales de azogue, á pesar de lo mezquino é insuficiente de los aparatos. La Junta contestó en 12 de Noviembre, que informase el juzgado, si habia algunas compañias formadas ó por formar, que necesitaran de auxilios, y en caso afirmativo manifestase cuales fnesen las minas, sobre que debiera emprenderse; las cantidades à que pudiesen subir las acciones, y las bases sobre que hubiera de descansar cada negociacion, à fin de que la Junta con este dato resolviese, sin embargo hasta la fecha no ha recibido contestacion alguna, ni de aquel gobierno, ni del juzgado, las que no ha reclamado, esperando que de un dia à otro se pusiesen en corriente los fondos, designados por la ley para este ramo, lo que por desgracia aun no se verifica.

El Exmo. Señor Gobernador de San Luis en 19 de Julio y 4 de Diciembre del año pasado, 18 de Abril, 9 y 13 de Mayo del presente, remitió á la Junta los documentos que acreditan la extraccion del azogue nacional en Guadalcazar, con el objeto de que se satisfaciese à los interesados el prémio de cinco pesos por quintal, concedidos por el artículo 5°. del Supremo decreto de 24 de Mayo de 1843, à los que estrajesen azogue de las minas de la República. Por dicbos documentos se ha podido tener una noticia ecsacta del azogue extraido en Guadalcazar desde Febrero de 844 hasta Mayo del presente, en que concluyó el término fijado à dicho premio, cuyo resultado es el siguiente:

De la mina de San Antonio novecientos cincuenta quintales, una arroba, dos libras.....	950	1	2	0
De la de San Agustin, setenta y seis quintales tres arrobas, dos libras trece onzas.....	76	3	2	13
De Santa Lucia, cien quintales.....	100	0	0	0
De Trinidad y San Andres, setenta y ocho quintales, tres arrobas, quince libras, una y medio onzas.....	78	3	15	1½
Total.....	1 205	3	19	14½

La Junta ha ofrecida à una de las compañias de Guadalcazar, remitir à aquel mineral uno de los aparatos destilatorios encar-

gados à Londres y que no ha podido recibir hasta ahora por el bloqueo.

Así del importe de los premios correspondientes à la extraccion del azogue nacional en Guadalcazar como del correspondiente à otros ciento trienta y sies quintales sacados del nuevo Almaden en el Durazno, se restan aun algunas cantidades de pesos, que no han podido satisfacerse, à virtud de la suspension de los pagos del foner de azogues.

Aunque la Junta no ha recibido en estos últemos meses noticia alguna oficial del estado de aquellas minas, sin embargo acompaña à V. E. copia de la exposicion inserta en el Republicano de 12 del corriente, en que un vecino de aquellas cercanias manifiesta la nueva importancia que va adquiriendo más y más cada dia y por consiguiente la urgente necesidad de su fomento, puesto que ya hoy no solo abastece à los minerales de San Luis Potosi, sino que hace remesas de consideracion para Zacatecas, vendiendose à quince pesos menos del valor, que hoy tiene el azogue estrangero.

El Exmo. Senor D. Demetrio Montesdeoca publico una noticia comprensiva de los términos en que podria formarse una compañia aviadora de las minas de San Juan de la Chica, con el fin de solicitar accionistas al efecto.

El espediente sobre trabajos de la mina Rincon de Centeno de 1808, ofrece este dato: "San Juan de la Chica tiene un cañon de ciento cincuenta varas, à los hilos con veinte varas de centro, y en él varios pozos, que el mas profundo tenia treinta varas; pero en ninguno de ellos hubo metales y sí en el cañon, y de allí para arriba, hasta salir afuera por contracielos: su matriz es contra el reliz bajo, en las dos y media varas primeras de anchura jabones ocuizos, haciendo el cinabrio en ojos, y mas al alto es un armamento de tepetate verde con venas jabonosas y algunas de rico cinabrio, y se abandó por su borrasca, teniendo un horno de dos vasos, segun dijo D. Casimiro Chovell." Al dar la oficina estas noticias, transcribió un párrafo, en que el B. de Humboldt recomienda la espresada mina, refiriendose á lo que acerca de ella informaron los últimos comisionados D. Ignacio Alcocer y D. Benito Herrera, y concluyó opinando que la Junta emplease hasta diez mil pesos, con el objeto, no de trabajar sino de esplorar é investigar si la mina era ó no acreedora à que en su explotacion se invertiesen las cantidades necessarias.

Tuvo presente para esto que tomándose una accion en la empresa con conocimiento del gobierno, la Junta lograria con mucho menor cantidad que la de diez mil pesos examinar la calidad y circunstancias de la mina, fomentar una negociacion particular, estimular à la formacion de otras, y realizar del

único modo posible entonces y el mas efectivo el laboreo de los criaderos de azogue, pues que el interes personal, y la constante asistencia de los interesados producirian notorias ventajas, por la oportunidad de las obras y por la economía de los gastos. La Junta en 20 de Setlembre del año pasado propuso al Sr. Montes de Oca algunas reformas á sus bases y aceptadas, pidió al supremo gobierno en 28 de Enero del presente año la facultara, para tomar una accion en dicha compañia, en lo que convéno el gobierno al dia siguiente. Entregado el primer dividendo de mil pesos en Agosto próximo, no ha verificado lo mismo tadavia con respecto al segundo por falta de fondos, si bien en el mes pasado propuso al Ministerio un arbitrio, para occurrir á esta dificultad, aunque hasta ahora no ha recibido la aprobacion.

El Ministerio de Justicia en 8 de Julio pasó à informe de la Junta una exposicion de D. José Antonio Rodriguez Fuentes cura de Chietla, en que describe el horno que juzga ser de los perfeccionados últimamente en Almaden.

En dictámen de la Junta facultativa del colegio no debia publicarse; porque desde que escribió Vanles, es probable que se hayan hecho reformas en los hornos de que se trata, y porque no son à proposito para el mejor y mas económico beneficio, pues los muchos *aludeles* ó cañones de barro, que se emplean en estos grandes aparatos ocasionan pérdidas de consideracion que solo la abundancia y riqueza de aquellas minas pueden hacer tolerables. Opinó tambien, que los mejores son los que se forman con retortas de hierro, que pueden variar de dimensiones segun la importancia de cada empresa: que estableciendo hornos à imitacion de los del Palatinado en Europa, se lograria fomentar à un tiempo la explotacion de metales preciosos, la fundicion del hierro, ya muy adelantada en la República, y la extraccion del azogue: teniéndose ademas presente que como los criaderos del pals no pueden, por su pobresa, costear los aparatos de Idria y de Almaden, cada pequeña negociacion podria proporcionar el número de vasos suficiente à la cantidad de minerales bien pepenados que produjeran sus repectivas minas.

Por último recomendó un articulo del museo mejicano, traduccion de D. Joaquin Velasquez de Leon, con los principales métodos empleados en el beneficio del mercurio, y que debia recomendarse el úso, del que se practica con el mejor ecsito en Alemania; y con fecha 31 del pasado Octubre, se circuló a los juzgados mineros y à los gobiernos departamentales; interin se encargaba un aparato que presentandose como modelo sirviese para la construccion de otros en la República.

El Gobierno de Jalisco en 4 de Julio de 1845, pidió que los

veinte mil ciento veinte y cinco pesos diez y medio granos, que existian en poder de la Junta de fomento pertenecientes al fondo creado por decreto de la extinguida departamental de 2 de Octubre de 1841, y què el de la Asamblea de 15 de Junio de 1844, designó para la construccion de la nueva cárcel de Guadalajara, cuyos fondos habian tenido un destino diferente se le devolvieran y pusiesen à sus ordenes á fin de darles su exclusiva aplicacion. La Junta en 17 de dicho mes de Julio contestó fundadamente que la citada Asamblea no habia tenido facultad para ocupar los candales indicados interin el poder legislativo no derogara el decreto de 14 del expresado Julio en el año de 1843: que los cinco mil doce pesos veintidos centavos que se enteraron en su tesoreria hasta fin de Junio lo habia sido igualmente.

En 25 de Febrero próximo, el Ministerio insertó á la Junta cópia del dictamen del consejo que reserva la resolucion del asunto al soberano congreso. Entretanto el supremo gobierno en 8 de Julio último tomó dichos veinte mil pesos en clase de prestamo para atender á las urgencias del Erario.

En 20 de Junio de año pasado, la junta à resulta de una nueva pretension de los mineros de Tepantitlan, Coronilla y Jimotla ofreció ocuparse de establecer una oficina de rescate y beneficio de azogues en el sur de este Departamento, tan luego como contara con fondos para erogar los gastos necesarios; bajo el concepto de que la persona à quien se encargara la Direccion podria ampliar la esploracion de vetas de cinabrio siempre que el supremo gobierno resolviese si estando cumplido el término que se designó para reconocer los criaderos podian costearse otros esploraciones en aquellos puntos. El Ministerio de Justicia en 14 de Noviembre del mismo año contestó que nó podia hacerlo *sin previa aprobacion del supremo gobierno.*

La Junta en 21 de Abril proximo pasado pasó à la facultativa del colegio unas muestras de Cinabrio, que presentó D. Tomas Ramon del Moral à nombre de D. Andres Castillero, vecino de la Alta California, con una exposicion, en que pide se le auxilie, para trabajar una mina, que ha descubierto en la Mision de Santa Clara, conocida por los antiguos indios, quienes sacaban de ella el bermellon, para pintarse el cuerpo. Hecho el ensaye por el profesor de qúimica, resultó que los metales en comun produjeron la extraordinaria ley de 35½ por 100, lo que se participó al Gobierno en 5 de Mayo, manifestandole que se habia preguntado al Sr. Castillero cuales eran los auxilios, que necesitaba de la Junta. Este Señor presentó su solicitud en forma y examinada muy detenidamente por la Junta, hizo sus proposiciones, en que esta convino, reducidas à que se le franqueasen por entonces cinco mil pesos en numerario, ocho

retortas de fierro, de las que mandó hacer la Junta para que sirvieren en los reconocimientos hechos anteriormente; y todos los frascos para azogue, que tiene en la negociacion de Tasco. El Sr. Castillero se obligó por su parte, à entregar dicha anticipacion en azogue, à razon de cien pesos quintal dentro de seis meses de su salida en el Puerto de Mazatlan. Este convenio fué aprabado por el supremo gobierno en 20 del mismo; pero à virtud de le declaracion del bloqueo hecha por los Estados Unidos del Norte, cuando iba ya à recibir la libranza sobre Mazatlan, el Ministerio pasó la orden de 19 de Setiembre de este año, mandando suspender todo pago del ramo de azogues, à ecepcion de los gastos alimenticios del colegio y la oficina.

Al concluir la relacion de los acontecimientos, que han tenido lugar con respecto al ramo de azogues en el año anterior y lo corrido del presente, la Junta no puede menos de elevar à V. E. las siguientes refleccsiones. El decreto de 25 de Setiembre de 1843, asegura en su parte expositiva, que fué dictado, para que se hicieran efectivos los beneficios, que el Gobierno se propuso dispensar à la mineria de la autorizacion que concedió à su Junta de fomiento por el diverso decreto de 5 de Julio expedido con el fin, de que pudiese habilitar y fomentar el laboreo de criaderos de azogue. Los tres primeros solo sirven para areglar el mejor cumplimiento de la primera parte del artículo 8°. de la ya referida disposicion de 5 de Julio: el cuarto únicamente tuvo por objeto, designar el tiempo durante el cual debian quedar hechos los reconocimientos y los avios, cuyo tiempo no ha sido suficiente, segun lo ha acreditado la esperiencia: parte del quinto y los cuatro siguientes se reducen, à hacer algunas prevenciones para el arreglo de los avios, sin otra diferencia de ley que la de convertir en seis por ciento el cinco, el único que por interes habia ecsigdo la de 5 de Julio. No deben por tanto verse en las resoluciones comunicadas en dichos articulos sino disposiciones reglamentarias, que el gobierno puede mejorar, revocar, ó modificar à su arbitrio, usando de sus facultades constitucionales.

Diverso fundamento tiene la otra parte del artículo quinto y el decimo; porque por ellos se aplicó à la mineria *para avios* el uno por ciento de derechos, impuesto al número que se circulara de uno à otro Departamento, y se fijaron ciento treinta mil pesos, cantidad que se reguló corresponder à la mineria del fondo creado por la ley de 2 de Diciembre.

Pero estas bases han sido notablemente alteradas. El uno por ciento ya no existe, en virtud de que se derogo el decreto, que lo estableció en 22 de Febrero de 845. Por cuenta de los ciento treinta mil pesos que no se han recibido en su totalidad

cada año, ni en los términos que previno el artículo 12, las aduanas de Veracruz y de Tampico de Tamaulipas han librado algunas cantidadas del que llaman tres por ciento de importacion, obsequiando un arreglo particular que hizo el Ministerio de Hacienda.

Y el árticulo 11°. contraido al nombramiento de comisionados para colectar el derocho de circulacion de moneda, quedó virtualmente derogado con la extincion de dicho impuesto, quedando vigente el 13°. que mandó aplicar quince mil pesos al colegio los que se satisfacen con exactitud asi como el aumento de la dotacion hasta veinticuatro mil à que hizo subir aquella suma el supremo decreto posterior de 29 Diciembre de 844. Baste solo decir que en todo el presente año los ingresos del fondo de azogue han sido poco mas de diez y ocho mil pesos.

Por natural consecuencia de la falta absoluta de los pagos y la reduccion considerable de otros, la Junta no ha podido, ni aun puede proceder à explotar algunos criaderos, establecer rescates de azogue en caldo, acordar à los especuladores diversa clase de auxilios; procurar dicho artículo de Europa, ni aspirar à la contrata del de Almaden, porque aunque es cierto que el citado decreto de 25 de Setiembre, al restringir las facultades de la Junta *en los avios*, les dió un nuevo fondo, que despues se ha extinguido, y quiso suponer que el nuevo impuesto que se fijó à los lienzos y tegidos de algodon extrangero para las Juntas de Mineria y de Industria, importarian ciento treinta mil pesos; tambien lo es, que estos recursos de tal manera se han reducido que no es posible llenar todos los laudables fines, que la ley prinistiva se propuso.

Bajo tal inteligencia se hace indispensable la declaracion de que la Junta tiene expeditas todas las facultades que le concedió el decreto repectivo de 5 de Julio, disponer el págo de las cantidades que ha tomado el gobierno de sus fondos y que à la fecha pasan de cuatro cientos mil pesos, consignar à la Junta un fondo equivalente al uno por ciento de que se le privó y expedir directamente en lo sucesivo y con religiosida oportunidad de las aduanas de Veracruz y de Tampico de Tamaulipas la asignacion legal primitiva.

SALES.

Por medio de los periódicos se han debatido con bastante calor los inconvenientes del monopolio de algunos salinas. La Junta prescindiendo de los derechos, que legalmente hayan podido adquirir los actuales contratistas y de las indemnizaciones, que debieran acordarseles al privarlos de la cosa adquirida, no puede menos de convenir en la absoluta necesidad que hay, de destruir el monopolio de aquel artículo en beneficio de la mi-

neria, declarando libre su elaboracion en los puntos en que no lo está.

ESTADISTICA.

Convencida la Junta de la importancia que tiene la adquisicion de datos oficiales sobre el consumo de efectos necesarios para la extraccion y para el beneficio de metales, los ha pedido repetidas veces, no solamente à las autoridades locales, sino tambien à las compañias de minas, y aunque algunos de ellas los han remitido con una exactitud y franqueza, que les pará honor, como las otros no lo han verificado, hasta ahora las noticias adquridas son insuficientes, para poder dar al menos una idea, que pueda servir de base à calculo alguno.

PARTE ADMINISTRATIVA.

Recaudacion del Fondo Dotal.

Queriendo la Junta mejorar el sistema, que tenia establecido para trasladar à esta capital los fondos que recauda en los diversos minerales, entró en contestaciones al efecto con algunas casas de conocido abono. Hicieron en consecuencio sus respectivas propuestas bajo pliegos cerrados en Diciembre de 1843 y Enero siguiente, los Señores Manning y Mackintosh, Serment P. Fort y Compañia, D. Anselmo Zurutuza y D. Tomas de la Torre y Compañia; pero como en ellas figuraban juntos los descuentos y el plazo, fué necesario suponer $\frac{1}{8}$ p°o. de interes mensual ál numerario en busca del término medio sobre especie denominada, para comparar entre sí los resultados.

La operacion aritmética dió el descuento en la razon de 4, 53—5, 29—5, 30—y 6, 44. Era de consiguiente preferible la primera propuesta; pero teniendo la Junta en consideracion que en alguna de las otros se proponia el contrato de cámbio à la par y con seis meses de plazo, en lo que demorando por el pronto y sin grave perjuicio, el págo de réditos à los acreedores, economizaria cerca de diez mil pesos anuales, segun cálculo formado en vista de los productos del año de 1842, ofreció el negocio sobre esta base à la casa de los Sres. Manning y Mackintosh en 20 de Enero citado y ella lo aceptó el 27, bajo la base entre otros, de que ella recibiria los productos en los lugares donde se cobra el real de mineria, dando inmediatamente los agentes de la Junta libranzas contra la casa, pagaderas à la par à los seis meses de la vista, las que se pagarian à su vencimiento, y si la Junta necesitase alguna cantidad antes del plazo, la daria la casa pero con el descuento de $\frac{1}{8}$ por peso.

Para que el cóbro se uniformase, se hiciese con mas seguridad y con mayor economíca, se contuvieran las quiebras y se evitara el iuconveniente de no encontrar en todos los puntos

personas abonadas, por lo córto de la poblacion ó de la cantidad que hubiera de recaudarse, la Junta lo contrató por escritura de 21 de Mayo de 1844, con la misma casa, haciendose esta responsable de toda la recaudacion, con las condiciones de que nombrando bajo su responsabilidad los apoderados, colectaren en cada mineral todo el producto del referido derecho y lo librasen á favor de la Junta, con arreglo al convenio de cámbio de que ya se ha hablado: que cada cuatro meses remitiesen la cuenta comprobada de sus rendiciones, y que la casa contratista se abonara por comision y todo gasto un cuatro por ciento.

La Junta de este modo ha logrado su objeto, pues los descubiertos han cesado, el cobro es mas uniforme; en la inversion en honorarios se ha ahorrado una quinta parte, y el cámbio aunque con plazo, se hace sin los descuentos, con que se efectuaba anteriormente.

PRODUCCION.

Bajo el número 1 se acompaña un estado general, que manifiesta los lugares, en que se ha hecho la recaudacion del real por marco de plata de la ley de 11 dineros, que pagan los introductores, en los diez años transcurridos desde 1835 hasta 1844, para deducir la total de cada uno y la que resulta por término medio del decenio en toda la República, y en los respectivos lugares en que se ha hecho la recaudacion, expresando así mismo el número de marcos, á que ascienden los productos y su valor.

Ademas de la idea que con su presencia puede obtenerse de la importencia mineral relativa, se deduce de su examen que el real cabrado asciende á 1.988.899 pesos 2 rs. 5 6 de grano: cantidad resultante de 15.911.194 marcos, 3 onzas 5 ochavas 5, 2 de tomin y cuyo valor sube á 131.267.354 ps. 2 rs. $10\frac{1}{10}$ de grano, siendo los términos medios del real 198.887 ps. 7 rs. 5, 36 de grano: de la pasta 1.591.119 marcos 3 onzas 4 ochavas 3, 52 de tomin y del valor á $8\frac{1}{4}$ 13.126.735 ps. 3 rs. 5, 81 de grano.

Pero comparados entre sí el primero y el segundo quinquenio, resulta una diferencia en la recaudacion en favor de este de 113.130 ps. 2 rs. 6 décimos de grano ó lo que es lo mismo 905.042 marcos 3 ochavas 1, 2 de tomin con valor de 7,466.596 ps. 7 rs. 3, 1 de grano; dando un término medio para la recaudacion de 22.626 ps. 4, 92 de grano ó 181,008 marcos 3 onzas 2 ochavos 1, 44 de tomin que valen 1.493.319 ps. 3 rs. 0, 62 de grano término medio del primer quinquenio dan una produccion de 1.500.615 marcos 1 onza 7 ochavas 2, 8 de tomin, con valor de 12.380.075 ps. 5 rs. 11 zs., y los 210.202 ps. 7 rs. 7,

82 de grano del segundo, producen 1.681.623 marcos 5 onzas 1 ochava 4, 24 de tomin, que importan 13.873.395 ps. 11, 62 de grano.

Atendida, pues, la case del dècimo, la rendicion equivale aproximativamente en Zacatecas à $33\frac{2}{33}$ p°$_{o}$: en Guanajuato á $24\frac{12}{36}$: en San Luis Potosi á $7\frac{22}{32}$: en Pachuca á $6\frac{24}{33}$: en Guadalajara á $5\frac{4}{32}$: en México á $4\frac{26}{32}$: en Durango á $4\frac{18}{32}$: en Guadalupe y Calvo á $3\frac{24}{32}$: en Chihuahua y Jesus Maria á $4\frac{18}{32}$: en el Rosario Cosalá y Mazatlan á $2\frac{26}{32}$: en Sombrerete á $2\frac{22}{32}$: en el Parral á $1\frac{6}{32}$; en Zimapan á $\frac{28}{32}$: en Alamos á $\frac{27}{32}$: en Hermosillo á $\frac{26}{32}$: en Oajaca á $\frac{2}{32}$, y en Tasco à $\frac{1}{32}$; pero es de advertir, que por seguir un principio general nó se han apreciado las diferencias correspondientes favorables ó contrarias de ménos de $\frac{1}{32}$ ni las que puede dar lo del tiempo que tuvieron de duracion en el decenio algunas de las recaudaciones, así como tampoco se ha tenido presente la exportacion clandestina de platas, la produccion del oro, ni el consumo de dichos metales en las artes; porque la Junta ha carecido de los datos necesarios al objeto.

CUENTAS.

Ya el Supremo gobierno en 12 de Julio de 1844, declaró con dictámen de su consejo, que en virtud de la ley de 30 de Setiembre de 1841, corresponde á la contaduria de propios y arbitrios glosar las cuentas pendientes del extinguido Tribunal de Mineria.

Ellas comprenden desde 31 de Diciembre de 1823 hasta 8 de Enero de 1827, dia en que comenzó á funcionar el establecimiento, que le siguió, aunque fué creado por decreto de 20 de Mayo de 1826.

Las cuentas generales de este hasta fin de Agosto de 1833, se presentaron al gobierno, para que las remitiera á la expresada contaduria, oficina designada entonces para la glora correspondiente, en 26 de Agosto de 1838: las del último tercio de 1833, directamente en 4 del mismo mes y año de 1838: las de 1834 á 1838 en 20 de Diciembre de 1839: la de este año en 7 de Mayo de 1840: la de 40 en 30 de Marzo de 1841: la de 41 en 28 de Febrero de 1842; y la de 42 al tribunal de revision de cuentas en 22 de Marzo de 1844, pero con division de las responsabilidades porque el establecimiento cesó en 25 de Diciembre, y la actual Jnnta dió principio à sus trabajos en el dia 26; rindiendose la de 43 en 29 de Marzo de 1844: la de 44 en 19 de Mayo de 1845; y la de 45 en 23 del mes próximo pasado.

Resta presentar una que otra cuenta particular pendientes de liquidarse por la grande distancia á que se hallan los respon-

sables ó por otros inconvenientes todavia insuperables para la Junta, que impiden por ahora su completa terminacion.

Diversos y graduales adelantos han obtenido las cuentas en su forma y método justificativo, partiendo desde uno muy imperfecto hasta otro notable por su claridad.

Los obstáculos consiguientes al mal sistema, que se habia adoptado, unidos á los pocos recursos con que la oficina contaba para su despácho, complicaron mucho la contabilidad, retardando el resultado de sus importantes objetos.

Sin finiquitar aun las cuentas de 1827 á 1833, y pendientes las del último tercio de dicho año de la contestacion de los reparos, qué dedújo la contaduria de propios y que no es posible se satisfagan sin grandes demoras, seguirán necesariamente paralizadas la revision y finiquitacion de las posteriores. Para remediar el mal el establecimiento indicó desde 28 de Abril de 1841, que á reserva de continuarse los trabajos relativos á la conclusion de aquellas cuentas, se examinaran y terminaran las de distinta responsabilidad personal, no dejando entre unas y otras mas enlace, que el que naturalmente ofrece la primera partida de cárgo en las segundas, con la última de data de las primeras; medio único sin el cual el antiguo desarreglo será todavia trascendental y funesto para lo sucesivo.

Las cuentas de la Junta estan, como se ha dicho, presentadas al tribunal de revision, pero permanecerán como en depósito indefinido: y la Junta aprovecha la oportunidad para suplicar al Supremo Gobierno la pronta terminacion de las de su responsabilidad.

Marcado con el número 2, se acompaña un estado de cárgo y data de los apoderados colectores del real por marco de plata en la República en los mismos diez años y nó de todo el tiempo por la falta de varios datos y por la confusion, que se nota en los existentes; y otró con el número 3 que manifiesta los ingresos, egresos y existencia de candales habidos en el establecimiento y en la actual Junta en la capital de México, y por el fondo dotal desde 8 de Enero de 1827, en que cesó la Junta provisional de mineria hasta 31 de Diciembre de 1845, porque siendo un extracto preciso de los estados anuales, puede servir como de una cuenta pública, que revela la conducta seguida en el manejo de estos fondos por los diferentes individuos encargados de su administracion.

Tambien es adjunto con el número 4 el resúmen de valores en el propio tiempo.

CRÉDITOS.

El activo del tribunal de Mineria contra el Gobierno, sin incluir algunas partidas iliguidas ascendia, segun la relacion pre-

sentada por la Junta provisional del rame en el ya citado 8 de Enero de 827 á 1.090.124 ps. 2 rs. 1 grano.

Esta antigua deuda aumentable con varias cantidades de que dispusicron los Estados en la anterior època de la federacion, y con las que importan los intereses que causan algunas partidas, no se halla reconocida todavia sin embargo de los esfuerzos que con el mismo fin se han hecho hasta hoy.

Tampoco se ha liquidado la denda posterior sino en la parte relativa á capitales por el tiempo que abraza el decenio de 35 á 44.

Si los oficinas encargadas de la liquidacion de la cuenta pública terminasen la de los creditos de mineria contra el erario nacional, reconocidos estos, podria repartirlos entre sus acreedores en pago de réditos ó en amortizacion de capitales, reduciendo en mucha parte su deuda y dando crecimiento á la riqueza circulante del pais con un papel, que tendria un valor del que carece en la actualidad; ó bien hacer algun convenio con el erario reciprocamente útil al dendor y al acreedor.

La Junta entre tanto continuará ocupandose empeñosamente del reconocimiento y liquidacion de todas las partidas, que constituyen su crédito activo contra la hacienda pública para conocer su total monto; en concepto de que el que tiene contra particulares es perdido en su mayor parte, y la restante de poca importancia relativamente.

El pasivo por capitales impuestos al $4\frac{1}{2}$, 5 y 6 p°$_{o}$ como aparece de una relacion de ellos que formó la referida Junta provisional, ascendia en 7 de Enero de 827, á 3,624,165 pesos, 2 reales, y sus rèditos importaban, sin incluir uno que otro pago, que se hallaba por hacer en las fechas á que se contrajo la relacion expresada, á 2,233,654 pasos, 6 reales, 1 grano, de modo que la deuda en aquella fecha era de 5,857,820 ps. 1 grano aun sin considerar los pagos pendientes; vease el estado n. 5.

La Junta debia en fin de 1845, segun la liquidacion hecha por su contaduria, sin comprender los réditos de pago dudoso de 9,333 pesos, 2 reales, 8 granos, ni los de 200, resto de un capital amortizado, por capitales 2,589,018 pesos, 2 reales, 2 granos, y por intereses 2,370,474 pesos, 1 real, 8 granos, es decir, por uno y otro 4,959,492 pesos, 3 reales, 10 granos. Comparadas, pues, dichas sumas aparece que la deuda por capitales en todo el tiempo transcurrido desde 8 de Enero de 1827, hasta 31 de Diciembre de 1845 se ha disminuido en 1,035,146 pesos, 7 reales, 10 granos: que la de intereses se ha aumentado en solo 136, 819 pesos, 3 reales, 7 granos, habiendose obtenido en la totalidad del credito, una rebaja de 898,327 pesos, 4 reales, 3 granos.

Suponiendo que no se hubiese hecho amortizacion alguna de los réditos vencidos hasta fin de 45, habria importado 3,397,336 pesos, 1 real, 6 granos, y la deuda total 9,254,156 pesos, 1 real, 7 granos, como la salida efectiva por redenciones, pago de réditos, &ª. incluyendo 60,274 pesos, 3 reales, 7 granos, en órdenes sobre las aduanas maritimas, se repartieron à los acreedores en el año de 1834, y que no figuran en los estados, ha sido la de 1,952,632 pesos, 7 reales, $11\frac{1}{2}$ granos, hoy la verdadera denda seria de 7,302,523 pesos, 1 real, $7\frac{1}{2}$ granos; y no resultando positivamente mas que de 4,959,492 pesos, 3 reales 10 granos; la diferencia en favor del fondo por consecuencia de las amortizaciones llega à 2,343,030 pesos, 5 reales, $9\frac{1}{2}$ granos, la que se prueba tambien, considerando que sin ellas la denda se hubiera aumentado en 1,444,703 pesos, 1 real, $6\frac{1}{2}$ granos, que unidos à los 898,327 pesos, 4 reales, 3 granos en que se ha disminuido, suma la misma diferencia.

Este raciocinio demuestra evidentemente la necesidad que hay, y las inmensas ventajas, que podrán obtenerse de legalizar y fijar bases seguras para la redencion periódica de capitales.

Por lo tocante à la hecha en el citad, decenio por ellos y por el pago de réditos, se acompaña bajo el numero 6, el estado correspondiente.

FONDO DE AZOGUES.

La recaudacion íntegra del derecho de 1 p°₀. de circulacion de moneda verificada en las administraciones principales de rentas y sus agregadas, las épocas en que lo han ejecutado, los honorarios à las personas que se encargaron del cóbro, el producto liquido que resultó à favor del fondo, la noticia de las sumas de que ha dispuesto el Supremo Gobierno, la de las pérdidas sufridas por quiebras y robos, la de las cantidades que se remitieron à la tesoreria de la Junta y la de las existencias, que quedaban en las administraciones, todo comprensivo desde 25 de Setiembre de 1843, hasta que cesó el cobro de este impuesto por virtud de la ley de 22 de Febrero de 1845, son los objetos à que se refiere el estado numero 7, y para que se conozca el producto de dicho impuesto y su inversion, así como la de la parte recibida de los 80 y 50 mil pesos anuales, aplicados à la Junta en las aduanas de Veracruz, y de Santa Ana de Tamaulipas, se acompaña un resúmen mascado con el número 8.

De su examen se advicate que aunque el balance hasta fin de 1845, asciende à 508,825 pesos 2 reales $6\frac{7}{8}$ de granos, el verdadero ingreso que han debido producir ambos fondos es de 481,239 pesos, 2 reales, $2\frac{7}{8}$ de granos, pero como de esta cantidad debia el Supremo Gobierno 324,327 pesos 6 reales $8\frac{4}{8}$ granos, solo le ha podido usar de menos de la tercera parte de los pro-

ductos, puer apenas quedaron disponibles 156,911 pesos 3 reales $6\frac{3}{8}$ granos, que con 1,907 pesos 4 reales $7\frac{4}{8}$ granos por prémio habido en el càmbio de letras, 1,513 pesos 1 real, que alcanzaban los Srés. Manning y Mackintosh, y 36 pesos 1 real $5\frac{4}{8}$ granos la direccion de industria, hace todo una suma de 160,368 pesos 2 reales $7\frac{8}{8}$ granos; de los cuales se habian empleado 136,646 pesos 5 reales $\frac{3}{8}$ grano, se perdieron 565 pesos 1 real 4 granos, y quedaba una existencia de 23,156 pesos 4 reales 3 granos.

Ygualmente se nota que las expresadas aduanas, apenas han remitido poco mas de la cuarta parte ($27\frac{1}{2}$ p^{r}. ciento) de la que les asignó la ley: que la noticia de la recaudado por el 1 p°$_{o}$ se halla todavia incompleta por la falta de varios datos, y por no haber podido recogerse de algunas administraciones los restos que tenian de dicha colectacion; y que como los productos ascienden á 483,146 pesos 6 reales $10\frac{3}{8}$ granos, y los gastos de administracion y cobranza à 30,596 pesos 4 reales $5\frac{3}{8}$ granos, resulta que solo han sufrido aquellos la corta baja de $6\frac{3}{4}$ p°$_{o}$ muy moderada, si se compara con la que otros reportan en su recaudacion.

El estado número 9, comprende los ingresos, egresosy existencia de este ramo hasta el 15 del corriente.

Para reintegrar al fondo general de azogues de las cantidades invertidas en otros objetos, que los destinados por la ley, el supremo gobierno dispuso en 24 de Julio de 1844, que las aduanas marítimas del sur entregaran à la persona, que al efecto designase la Junta la mitad de lo que produjera el derecho de averia.

Se consignó en consecuencia à la casa de los Sres. Tomas de la Torre Jecker y compañia, aceptando las propuestas, que en 7 de Agosto hizo sobre enterar en esta capital con un descuento de 3 p°$_{o}$ las sumas que percibieran sus corresponsales en los puertos expresados.

Se libraron al efecto las ordenes oportunas; pero la providencia ha sido eludida bajo tan diversos aspectos, que las mas eficaces diligencias de la Junta, solo han servido, para convencerla de la inutilidad de otras nuevas, si no van concebidas en términos tan claros y enérgicos, que eviten toda especie de abusos y de interpretaciones. Así es, que todo lo cobrado en este año, ha sido 1,495 pesos 5 reales 6 granos, que deducidos de la deuda del Gobierno, monta esta à la fecha à la suma de 417,702 pesos.

CONCLUSION.

Al terminar el presente informe, la Junta aprovecha esta oportunidad en cumplimiento de sus deberes, para llamar la

atencion de V. E. á un negociado grandioso, vital y de abundantes prósperos resultados para el importante cuerpo de mineros, y por consiguiente para la República toda. Los fundamentos que le servirán como que descansan en principios, datos y resultados que ha examinado con todo detenimiento, en las distintas memorias que ha tenido el honor de dirigir al gobierno ántes de ahora; los volverá à presentar y aun se permitirá el uso de las mismas frases con que ha expresado sus conceptos, pues no aspira à la originalidad en una materia ya apurada y en la que nada de nuevo puede añadirse por estar ya todo dicho y del mejor modo que le ha sido posible.

Por una gran desgracia que lamentará siempre la humanidad, las sombras del error por mucho siempre la humanidad las sombras del error por mucho tiempo suelen oscurecer la verdad, hasta que llega el momento feliz en que disipadas aquellas, esta aparece con tal brillantez que no hay quien deje de pescibir la como ella es en sí misma: entonces los gobernantes, lejos de desconocerla, la adoptan como un principio, y los que forman la naciones disfrutan de un bien que ántes no les era concidido gozar. Pasó el siglo diez y seis, transcurrió el diez y siete, y fué necesario parte del diez y ocho para que abriese los ojos el gabinete español, y conciliase mejor los intereses de su fisco con los de sus vasallos. Llegó à palpar que á proporcion de las franquicias que concedió à la minería, ya dispensandolo de los medios quintos, ya de dos cuartas partes, en el valor del azogue, asi fué sobiendo la acuñacion, en términos de no pasar en principios del diez y ocho, de cinco millones de pesos anuales, y llegar en los primeros años del actual á la exhorbitante suma de veinti-siete. Oserbó tambien con asombro que en la misma escala ascendente, fueron los rendimientos de las demas rentas: el producto total de todos en el año de 1712 importó tres millones sesenta y cuatro mil cuatro cientos diez pesos: en el de 1764, seis millones; en el de 1767, doce millones; en el de 1792, diez y nueve millones, y en el de 1810, época memorable del glorioso grito de independencia dado en Dolores, por el immortal Hidalgo, veinte millones cuatro cientos sesenta y dos mil tres cientos siete pesos, cinco reales. Tan cierto es, que entre nosotros, todo ha dependido del influjo de la mineria; de este primer movil de prosperidad de la nacion; de este agente principal à cuya accion se hallan subordinadas las creces de nuestra agricultura, industria y comercio; de éste ùnico manantial de nuestras riquezas. Si otras naciones se sustentan medran y engranidecen, ya con los frutos de su agricultura, ya con el producto de sus variadas artes, presentando al comercio, desde las primeras materias, hasta las obras mas refinadas del buen gusto; es fuera de duda que la

República Mejicana, aun no tiene por una fatalidad deplorable, otra fuente de riquezas que el laboreo de sus minas. La mineria es pues, nuestro único giro activo, los demas son pasivos. Al mercado extrangero casi no presentamos otros frutos que nuestro oro y plata, y todas nuestras casas de moneda, no son suficientes para el saldo de los efectos que anualmente consumimos, y se importan en la República. Sin la esplotacion de nuestros ricos metales seriamos aun colonos de la España; y si este manantial de prosperidad llegara à cegarse, nuestra independencia se perderia para siempre. Tales, tan grandes y trascendentales han sido y continuarán siendo entre nosotros por muchos años, los trabajos impendidos en el laboreo de nuestras minas. El periodo muy dilatado de mas de tres cientos años, la esperiencia y la razon, nos pones en la clase de verdades practicas, la siguiente: *el trabajo y rendimiento de las minas aumentará á medida que disminuyan los impuestos y el valor de las materias de su consumo.*

Llegó à penetrarse de ello el Gobierno Español; en consecuencia adoptó por principio *conceder á los mineros cuantas gracias pudiera y gravarlos nunca ni en lo mas minimo;* y recogiendo con abundancia los preciosos frutos de su ilustrado proceder con tantos millones de mas que ingresaron en su erario, llego á decir en real orden de 15 de Febrero de 1778: *que queria contribuir al alivio y fomento de los mineros aun á costa de su real hacienda;* en la de 17 de Julio de 1779; *que debia estarse en el inequivoco concepto de que cuantos auxilios se prestan á los mineros son otros tantos positivos aumentos del real erario;* y en la de 1°. de Febrero de 1780: *que se cuidara por el tribunal de mineria que este ramo no experimentase ningun atraso, en inteligencia de que la veia como el primer movil de la riqueza y el primero en las atenciones de su gobierno.* Tales fueron los maximas que adoptó un gobierno muy celoso de las creces de su hacienda, al instante de convencerse que esta aumentaba en la proporcion de los gracias, exenciones y franquicias que se le concedian al importante ramo de la mineria. Ha hecho observar antes la Junta y ahora es ocasion de repetir: que los bajas hechas en el precio del azogue, importaron tres reales en cado libra; y como esa libra, poco menos, es la que se consume para sacar cada marco de plata de toda ley, abundaron los rendimientos por que se hicieron costeables muchor frutos ordinaros, que sin estas concesiones no hubieran podido beneficiarse. *Nuestras minas se distinguen de las de Europa, mas bien por la abundancia de minerales que se hallan en el seno de la tierra que por su riqueza intrinseca.* Dígnese V. E. fijar aqui su atencion. Entre tanto que los progresos de la ciencia no sustituyan otro modo de beneficiar los minerales de plata, al descubierto en

1557 por Bartolomé Medina, minero de Pachuca, el azogue es absolutamente necesario, y monopolizado este ingrediente desde el año de 1835 por la casa de N. Rothschild en Londres, los mineros se ven en la precision de tomarlo al exorbitante precio de 146 pesos el quintal en este ciudad y aun à mas en otros puntos distantes. Los metales de escasas leyes que son los que abundan pueden beneficiarse, y millones de marcos existen en nuestros *inmensos terreros*, perdidos para los mineros y toda la República. El excesivo precio à que se vende el azogue por la causa que se ha manifestado, y no poder aun asi los mineros conseguir todo el que necesitan para sus beneficios, es un acontecimiento fatal, el mayor de los males y de indefinida funesta trascendencia para la mineria; pues es sabido que lo que constituye su riqueza, es la prodigiosa abundancia de minerales de muy escasas leyes; ó lo que es lo mismo, *somos poseedores de una porcion asombrosa de matriz, penetrada de una corta cantidad de platas, cuya extraccion por lo tanto se hace muy trabajosa y eroga crecidos gastos.*

El exorbitante precio que mantiene el azogue, ha desnivelado aquel equilibrio que debe haber entre las erogaciones y productos, en términos que haciendo subir aquellas, solo se benefician los metales cuyas leyes las pueden cubrir y dejan alguna utilidad à los empesarios; y se abandonan los otros de escasos rendimientos que son los mas, como se ha dicho, en detrimento de la mineria y por lo mismo de toda la República. Si por la reduccion del precio del azogue hasta el valor de 41 pesos, 2 reales, 11 granos el quintal, llegó la acuñacion hasta la enorme suma de 27 millones; por una razon inversa decreció hasta mucho menos de la mitad, desde el momento que el azogue no se puede conseguir sino hasta tan alto precio. Esta es la principal causa que influye en la decadencia de la mineria. Para ocurrir à un mal que es la mayor de las plagas para la República pues afecta todos los ramos de la pública prosperidad; para hecerla independiente de los cálculos mercantiles que forman los comerciantes Europeos, con el objeto de proporcionarse riquezas monopolizando el azogue; y en fin para ahorrar à la República dos millones anuales que en numerario se exportan, para proporcionarse este necesario ingrediente; se expidió en 2 de Diciembre de 1842 esa la salvadora que tanto crédito dió à la administracion provisional, porque nadie ha sido à ella indiferente, como que à todos alcanzan sus benéficos resultados. Se creó, pues, un fondo exclusivamente destinado à la adquisicion del azogue, para darlo á los beneficiadores de metales á costo y costas, y en consecuencia de este decreto se dieron otros, ya facultando á la Junta para que pudiese contratar el azogue del Almaden, ya para trabajar aviar y protejer

las minas que de este metal se encontrasen en la República, ya para nombrar comisiones en toda su vasta extension, que esplorasen y reconociesen los criaderos de cinabrio. Con tan decidida ilustrada proteccion comenzó la Junta sus trabajos, y la lisonjeaba la consideracion de que los dones que allá en otras naciones quiso limitar la sábia mano del Supremo Hacedor, nos los concedió liberal reunidos en este pais venturoso, en donde del uno al otro extremo ostentó su poderio; la multitud de noticias que de espedientes muy cumulosos se encuentran en el archivo de la Junta, sobre investigaciones hechas desde el tiempo del Gobierno Español para descubrir las minas de cinabrio; y en fin los profundos conocimientos cientificos y la respetabílisima autoridad del célebre Humboldt. Este ilustre viagero en la obra que lo ha inmortalizado se expresa en estos términos.

„ Los habitantes de Nueva España han sacado hace siglos el mercurio necesario para la amalgamacion parte del Perú y parte de Europa, de donde ha resultado que se han acostumbrado á mirar su pais como fálto enteramente de este metal. Sin embargo pasando la vista por las investigaciones que se hicieron en el reinado de Carlos IV, es preciso convenir en que pocos territorios presentan tantos indicios de cinabrio, como la mesa de las Cordilleras desde los 19° hasta 22° de latitud boreal. En las intendencias de Guanajuato y de Mejico, se hallan casi en todas partes donde se abren pozos entre San Juan de la Chica y la villa de San Felipe: cerca del rincon de Centeno, en los atrededores de Celaya. y desde el Durazno y Tierra Nueva hasta San Luis de la Paz, y especialmente cerca de Chapin, Real de Pozos, San Rafael de los Lobos y la Soledad. Tambien se ha descubierto mercurio sulfúreo en Ajuchitlan y en el Zapote, cerca de Chisangangueo en la intendencia de Valladolid; en los Tregones, cerca de Tasco; en el Distrito cerca de las minas del Doctor, y en el valle de Tenoxtitlan al Sud de Gazavé, en el camino que va de Mejico á Pachuca. Se han interrumpido tantas veces las obras emprezadas, con el intento de esplorar estos diversos criaderos de mineral, y han sido conducidos con tan tibio celo, y por lo comun con tan poca inteligencia que seria muy imprudente dar por sentado, como varias veces se ha dado, que no merece la pena de emprenderse el laboreo de las minas de azogue de Nueva España. Al contrario, segun las importantes noticias que se deben á las tareas de D. Casimiro Chovel (alumno del Colegio de Mineria) parece que las vetas de San Juan de la Chica, asi como las del Rincon del Centeno y del Gigante, son muy dignas de llamar la atencion de los mineros Mejicanos. ¿Acaso puede exijirse que unas obras sugerficiales, laboreos que estan

en sus principios dejasen desde los primeros años ganancias limpias á los accionistas?....

„La America en su estado actual, es tributaria de la Europa en cuanto al mercurio. Es probable que este dependencia no sea de larga duracion, si los lazos que unen las colonias con la metrópoli, se interrumpiesen por largo tiempo, y si la civilizacion de la especie humana, en su movimiente progresivo de Este á Oeste se llegare á fijar en America. Con la poblacion se aumentará el espíritu de emprender y de buscar, y cuanto mas habitado esté el territorio, tanto mas se llegarán á conocer las riquezas naturales que encierra el seno de aquellas montañas. Sino se descubriese ninguna mina igual en riqueza á la de Huancavelíca, se pondran en laboreo muchas á tiempo, cuyos productos reunidos inutilizarán la importacion del mercurio de España y de la Carniola.

„Estas mutaciones se harán con tanta mayor rapidez, cuanto los mineros Mejicanos y Peruanos, se verán mas apurados por la falta del metal necesario para la amalgamacion.... No está lejos época en que mas unidas las colonias entre sí, atiendan tambien mas à sus intereses comunes.... Acaso Mejico y el Perú, en vez de recibir este metal de la Europa, la podrán dar con el tiempo al Mundo antiguo.... Y aun es de esperar que à proporcion que los habitantes del nuevo mundo vayan aprendiendo à sacar partido de las riquezas naturales de su territorio, los progresos de los conocimientos químicos, conducirán à valerse de practicas de amalgamacion en que se pierda menos mercurio. Disminuyendo de un lado el consumo de este metal, y aumentando de otro el producto de los laboreos indígenas, es como los mineros americanos, llegarán à pasarse muy bien sin el mercurio de la Europa y de la China."

La Junta se prometia muy fundadamente que conociendose mejor nuestras riquezas naturales, el espíritu de empresa nos conduciria à esplotar tantas minas de azogue como se encuentran en nuestro suelo, para no ser tributarios al extrangero de este ingrediente que nos cuesta sumas tan crecidas, inutilizando ademas su alto precio en la mayor parte los abundantes productos de nuestras minas de oro y plata. Llegó à persuadirse (y aun al presente son las mismas sus esperanzas) que esos presentimientos del Baron de Humboldt, se verian realizados en nuestros dias, disfrutando el grato feliz resultado de hallarnos, no solo provistos de todo el azogue que necesitamos, sino que la multitud de nuestras minas nos proporcionarian hacerlo un efecto de exportacion, ofreciendolo al mercado extrangero.

No es la ocasion de presentar reunidos todos los trabajos de la Junta, para corresponder à la alta confianza con que la honró el Gobierno. Una parte de ellos van especificados en la

presente nota, y los demas se hallan consignados en las memorias, informes y multitud de comunicaciones que obran en ese Ministerio. Por ahora unicamente se reducirá à asegurar lo que consta de esos documentos, à saber: que el espíritu de empresa se logro estimular en términos de estarse esplotando minas de azogue en los principales Departamentos de la República, ya por compañias y ya tambien por particulares: que en el de San Luis Potosí, el azogue que se extrae está en proporcion de la plata que se beneficia, en términos de no necesitarse del extrangero: que en la Alta California, en el Presidio de Santa Rosa, ha llegado à descubrirse un gran criadero, por el Sr. D. Andres Castillero, cuyas leyes son verdaderamente sorprendentes; pues resulta de los ensayes practicados en el colegio de Mineria, que la quedan los frutos comunes sube à un 35½ por 100, cuando los de la mejor mina que se conoce, que es la del Almaden, no pasa de un 13 por 100; y en fin, que por todos los datos que se han reunido, se puede esperar descansando en muy buenos fundamentos, que nuestros criaderos de azogues son mas que suficientes para habilitarnos de todo el que se necesita para el beneficio de nuestras platas.

Esta gran empresa nacional, la Junta no ho podido llevarla à cabo, porque se le privó de uno de sus fondos del por 100 de la circulacion de la moneda sin sustituirle otro, y porque del que le restaba, solo ha podido disponer de menos de una tercera parte, pues el gobierno en los apuros de su erario, ha usado de las restantes. El mal se agravó hasta el extremo lamentable de quedarse sin ninguno, por la órden de 10 de Mayo último, que mandó suspender todos los pagos que se hacian por la hacienda pública. Los resultados funestos de tales determinaciones, la Junta no se detendrá à pormenorizarlos; ellos se hacen patentes por lo hasta aqui manifestado.

Cuanto mas aflictivas sean las circunstancias en que se halle el erario Nacional, mas es del deber del gobierno cuidar protejer y consevar, esa única fuente de recursos que solo encontrará en la mineria. En la circulacion falta el numerario, nuestro comercio no tiene accion, nuestra agricultura esta en bancarota, y nuestra naciente y precária industria al momento de desaparecer. Dinero ahora mas que nunca necesita el gobierno para repeler esa injusta agresion, que nos hace una pérfida nacion vecina, que jactandose de una civilizacion sin pudor alguno reproduce la barbarie que fué proscrita, aun en los tiempos de la mayor ignorancia; y ese dinero nuestras minas únicamente lo proporcionaran, pero en la razon inversa de lo que cuesta el azogue. Logrado el facilitar éste ingrediente en abundancia y à precios muy comodos, nuestras minas todas de oro y plata se declararán en estado de Conanza

y hasta de nuestros inmensos terreros abandonados, se extraerán esos preciosos metales; que convertidos en moneda creando nuevos valores nos proporcionarán no solo ese dinero de que tanto necesitamos para dejar bien puesto el honor nacional, sino el demas que sea preciso para llegar à ese grado de prosperidad, cuyos gocernos afianzan un clima benigno, tan variados y esquisitos frutos, ocho millones de habitantes y las cualidades sobre salientes con que la naturaliza se ha complacido en distinguirlos.

Paaa lograr fines tan grandiosos en vista de las poderosas razones que la Junta ha tenido el honor de exponer à V. E. terminará formulando las medidas que cree mas adecuadas y que espera de V. E. se servirá apoyar ante el Soberano Congreso Nacional.

1ª. Que se deje à la Junta expedito el úso de todas las facultades que le concedió el decreto de 5 de Julio: que tambien se le deje libre el fondo que para este efecto creó la ley de 2 de Diciembre de 1842: que se le adjudique como equivalente al del uno por ciento sobre circulacion de moneda que se derogó, el uno del tres por ciento que cobra el erario sobre el valor de la plata y oro que se extrae de las minas de la República; y que se arrégle el pago positivo de las cantidades que de estos fondos se han empleado por el gobierno en objetos diversos.

2ª. Que para la oportuna adquisicion à menos precio del azogue europeo, tan indispensable para cubrir el deficiente que deja todavía el del pais, en el consumo de las minas y de las artes, se déclare vigente el Supremo decreto de 17 de Febrero de 1843.

3ª. Qué se acuerden las gracias conducentes para multiplicar las empresas de extraccion y fundicion del fierro Mejicano.

4ª. Que se pida al Soberano Congreso se ocúpe de la refundicion de las ordenanzas de Mineria, haciendo en ellas las mejoras que exijen la esplotacion de los minerales de fierro y de carbon fosil, asi como el cultivo conservacion de los bosques y arboledas de la República.

5ª. Que se extinga la renta de alcabalas en todos los minerales de oro, plata y azogue de la República.

6ª. Que asi mismo se declare libre la elaboracion de la sal en los puntos en donde no lo está.

7ª. Que del producto integro de la recaudacion del fondo dotal se destine un diez por ciento para la redencion de capitales y réditos, que se hará cada cuatro meses rematandose al mejor postor. Tambien se aplicará à esta amortizacion la parte de los creditos contra el erario nacional, tan pronto como sean reconocidos.

La Junta se honra al protestar à V. E. su mas alta consideracion, mas distinguido aprecio y mas profundo respeto.

Dios y Libertad. México, Noviembre 17 de 1846.

VICENTE SEGURA,
[Rubric.] Presidente.

Por ocupacion de Secretario,

ISIDRO R. GONDRA, Oficial 1°.
[Rubric.]

[The foregoing Exhibit is composed of 24 sheets of manuscript, confined with a ribbon, and attested as follows: José M. de Bassoco, la ricibir en 24 de Abril 1859. Rubric.]

EXHIBIT, BASSOCO, NO. 5, O. H.

[Page 1, red ink.]

LIBRO TERCERO DE

ACTAS

Desde 2 *de Abril de* 1846, *hasta* 30 *de Junio de* 1847.

[Page 2, red ink and 1, black ink.]

El Cajero pagador depositario del Papel Sellado. Certifico que hoy á p°. 18 del libro manual de cargo si ha sentado la partida siguiente:

Son cargo ocho pesos seite reales que entero D. Manuel Rodriguez por valor de ciento cuarenta y dos sellos quintos del bienio de 1846 y 1847 que paga por otras tantas fojas de un libro perteneciente á la Junta de fomento de Mineria.—B°. n°. 108..... 8 7 0
Martinez del Campo—Manuel Rodriguez.

Mejico dies y nueve de Junio de mil ochocientos cuarenta y siete.

Con un intervencion.

FRAN°°. CAMACHO.
[Rubric.]

JOSE MARTINEZ DEL CAMPO.
[Rubric.]

[Page 3, red ink and 13, black ink.]

Sesion de 23 *de Abril de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 20, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia f^ha^. 17, del corriente autorisando a la Junta p^a^. que pueda comprometer en Jueces árbitros el asunto del cobro de ocho mil p^s^. á D. Joaquin Llaguno como fiador de Manuel Gonzalez.—Que se formen las instrucciones p^a^. D. Eduardo Penny.

Dos. Del mismo fecha veinte contestando haber transcrito al Ministerio de Hacienda la comunicacion en que se pide se dén órdenes ejecutivas á las Aduanas de Mazatlan y Guaymas p^a^. la entrega de la mitad del derecho de averia consignado p^a^. el pago de lo que adeuda el Gobierno a la Junta.—A su espediente.

Tres. Del E. S. Gobernador de San Luis Potosí acompañando certificados de haber sacado de las minas de Guadalcazar quinientos ochenta y seis qq^s^. de azogue á fin de que se le satisfaga el premio de cinco pesos por quintal concedido por la ley manifestando que los interesados suplican el pronto pago con objeto de proporcionarse un aparato de destilacion.—Que informe la mesa de fomento.

Cuatro. Del Juzgado minero de Zimapan quejandose del Juez de Letras de aquel partido.—Que se incerte con recomendacion al S^or^. Gobernador del Departamento.

Dos de la Direccion General de industria fechas 20 y 22, del corriente acusando recibo de las ultimas libranzas del tres por ciento de importacion con la diferencia de un centavo.—A su espediente el primero y á la Contaduría el segundo.

Otro del Administrador de Hermosillo manifestando la razon por que no ha podido remitir las cuentas [Page 4, red ink.] del uno por ciento que se le piden.—A su espediente.

Otro del Arquitecto D. Antonio Villard presentando una lista de las obras que en su concepto deben hacerse en el colegio p^a^. su reposicion y conservacion importantes dos cientos cincuenta p^s^.—Que el Tesorero informe en vista de las obras que se proponen.

Se leyo un informe de la Contaduria sobre una cuenta del ecargado de la recaudacion en Guadalajara comultando se estrañe el Ensayador y Administrador que la certificaron sin verla.—La Junta acordó de conformidad agregando que al oficiarse al S^or^. Ensayador mayor de le acompañe el certificado de que se trata pidiendole le devuelva p^a^. que remitiendose al encargado se responga la cuenta y que lo mismo se diga á la Direccion de Rentas respecto del Administrador.

Otro informe de la Contaduría haciendo la distribucion de las libranzas del tres por ciento vencidas ultimamente de Tampico importantes tres sientos once p^s. sesenta y cuatro centavos.

Se dio cuenta con un dictamen de la mesa de fomento sobre no haber elegido Presidente el Juzgado de Mazatlan. La mesa opina que se pregunte ¿como no hay mineros que sepan leer y escribir cuando en Febrero de este año votaron veinte y tres en votacion secreta mediante cédula?—La Junta acordó de conformidad.

La Secretaria dijo que en los espedientes relativos de Tasco consta ser cierto que D. José Zamora ha dejado de abonarse los diez p^s. semanarios que le asigno la Junta como Administrador desde que en 30, del pasado ofreció no cobraria dicha asignacion si liquidada la cuenta de todo el año no resultaba utilidad a favor de la Junta y manifestó tambien que la mesa respectiva de la contaduría habia informado en 14, de Marzo estar conforme en que la [Page 5, red ink and 14, black ink.] utilidad de cuatro mil p^s. que dedujo dicho Zamora está deducida con esactitud. La Junta acordó que puede abonarse dicha cantidad desde Agosto hasta fin de Diciembre del año pasado.

Habiendo remitido el Profesor del colegio D. Tomás Ramon del Moral unas muestras de cinabrio del presidio de Sta. Clara en Californias se acordó que se pasen al S^{or}. Director con copia de las cartas del S^{or}. Castillero que las remite para que se haga los correspondiente ensayes.

Se dió cuenta con una lista que presentó la mesa de Administracion de los asuntos pendientes y acordó.

Primero. Que se reclame á D. Enrique Mackintosh el cobro de los abonos que debe hacer al Ensayador D. Mariano Cataño.

Dos. Que se recuerde al S^{or}. D. Diego José Perez Fernandez las cantidades y contestaciones que ofrecio dar desde 1°. de Marzo haciendo que el ofició se le entregue en propia mano.

Y tercero. Que se repita al Sor. D. Miguel Mosso oficio en que se le preguntó si está en corriente el pago de réditos de los ocho mil p^s. que reconoce sobre su hacienda de San Sebastian.

[3 Rubrics.]

—

[Page 6, red ink and 16, black ink.)

Mes de Mayo de 1846.

Sesion del dia 2.

Concurrieron los S. S. Bassoco y Flores y despues de aprobada la acta del dia anterior se leyó una comunicacion de D. Manuel Mariano Cortazar de 22, del pasado á la que acom-

paña el Ynventario de las ecsistencias que recibio en la mina de Atargea.—La Junta acordó que entre tantó informa la mesa de fomento se le conteste que se verá al Sor. Echeverria y bien por su conducto ó dirigiendose á Queretaro se le remitirá dinero por el correo del Miercoles.

Se presentó el Sr. Lic. D. Diego Perez Fernandez y despues de haber convenido en las observaciones hechas por la Contaduria manifestó que teniendo que marchar á Yxtlahuaca donde ha sido nombrado Juez de Letras presentaria sus proposiciones p^{a}. el pago de lo que adeuda á cuyo efecto vendria el Lunes á terminar la liquidacion respectiva.

[3 Rubrica.]

—

[Page 7, red ink.]

Sesion del 4 *de Mayo de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco leida y aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primero. Del Juzgado de Pachuca fecha 30, del pasado manifestando la falta de pólvora que sufre aquel Mineral.—Se acordo que se incerte al Gobierno.

Segundo. Del Distrito de Nieves fecha 26 del pasado contestando á la circular numero 3.—Que informe la mesa de fomento.

Tercero. Del de Bolaños participando la renovacion de su presidente informe á la orden del Gob^{o}.; y se dio el mismo acuerdo.

Cuatro. Del Administrador de Morelia D. José Maria Cortez escusandose de no haber remitido las cuentas del tres por ciento.—Que informe la Contaduria.

Quinto. Del Coronel D. Miguel Mosso manifestando que aunque reconoce sobre su Hacienda de San Sebastian ocho mil p^{s}. al Sor. Fagoaga aun no están designados los individuos á quienes deba pagarse.—Que se traslade esta comunicacion al Sor. Fagoaga.

Sesto. De D. Eugenio Bermejillo fecha 24, en Morelia esceptando el encargo que se le dio p^{a}. el cobro en aquella ciudad á D. José Maria Cortez quien le ofrecio que dentro de 15, dias entregaria sus cuentas.

Septimo. Del E. S. Director del Colegio insertando el informe de la Junta facultativa del mismo sobre el resultado del ensaye que hizo de las muestras de cinabrio remitidas por D. Andres Castillero de Californias.—Se acordó se incerte al Supremo Gobierno manifestandole no haberse recibido esta [Page 8, red ink and 19, black ink.] contestacion hasta el dia de ayer y que se ha

contestado al S^{or}. Castillero manifieste la clase de proteccion ó ausilios que necesita p^{a}. el buen cosilo de su empresa y refiriendole por ultimo los premios que se han pagado al azogue Nacional estraido en Guadalcazar.

La Aduana Marítima de Tampico remitió al indice de libranzas por el tres por ciento valiosas cuatro ciento sesenta y nueve p. ochenta y siete centavos.—Que se recosan las letras de la Tesoreria.

Se leyó una comunicacion de D. Julian de los Reyes fecha 29, del pasado avisando de enterado de haberse pagado su libranza anterior de dos mil novecientos treinta p^{s}. y haber girado otra de dos mil p^{s}. que con dos importantes dos mil quinien los dirigidas por D. Vicente de Bustos entiendo que no se presentarán otras que las que correspondan al Azogue que se recosa en Abril y hasta el 24, de Mayo en que vesa el privilegio. —Se detuvo el acuerdo hasta vir el dictamen de la mesa de fomento.

Cuatro comunicaciones de D. José Zamora fecha 2, del corriente acompañando con la primera las memorias numeros 17, los estados y el corte de caja numero 4 pertenecientes al mes pasado.—Recibo y á la contaduria. En el segundo avisa que necesita dos cientos cincuenta pesos p^{s}. la raya de la presente semana.—De enterado y participa en los dos ultimos haber girado los libranzas numeros 18 y 19, las que se mandaron pagár.

Se dio cuenta con un informe de la Contaduria designando las letras que corresponden á la Direccion general de Yndustria de la ultima remesa de Veracruz la que qneda restando once centavos.—Se acordó de conformidad.

[Page 9, red ink.]

Dos informes de la mesa de fomento de los que en el primero consulta se eleve à la suprema aprobacion la acta de eleccion de su presidente y se acordó de conformidad y el otro sobre la comunicacion del E. S^{or}. Gobernador de San Luis Potosí remitiendo los certificados que acreditan haber esplotado los mineros de Guadalcazar novecientos quintales de Azogue.—La mesa opinó que debe mandarse satisfacer por el premio que los corresponda á cinco pesos quintal la suma de cuatro mil quinientos y que viniendo endosados los dos mil pesos que pertenecen á D. Bacilio Martinez en favor de D. Julian de los Reyes puede pagarse la libranza que avisa hoy haber girado por dicha cantidad.—La Junta acordó de conformidad y se mandó pagar dicha letra.

[3 Rubrics.]

[Page 10, red ink and 20 black ink.]

Sesion del 8, *de Mayo de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco y aprobada la acta del dia 4, se acordó pasar un oficio al E. S. Ministro de Justicia manifestando que aunque la Junta no se cree comprendida en la circular de 5 del corriente que previene la suspension de pagos, consulta sin embargo, si debe suspendér los que tiene que hacer p^{a}. el desempeño de la Administracion que le confio la ley dada p^{a}. el fomento de las minas de Azogue.

Acordó igualmente advertir las propuestas que hizo el S^{or}. Lic. D. Diego José Perez Fernandez contraidas á abonar cada mes del sueldo que disfruta como Juez de Letras de partido de Yxtlahuaca la cantidad de cincuenta pesos hasta el completo dol pago de su deuda, que liquidada ha resultado ser de mil cuatro cientos p^{s}. comensando hacer sus enteros desde 1°. de Julio.

Se presentó el S^{or}. D. Andres Castillero é informó verbalmente sobre el descubrimiento denuncio y estado actual de la mina de azogue situada en el mineral de Santa Clara de la alta California invitando á la Junta á tomár acciones en la compañia que ha estallecido p^{a}. su laboreo con otras medidas que pide recabe del Supremo Gobierno en fomento de la empresa. La Junta acordó que el S^{or}. Castillero presente por escrito sus indicaciones p^{a}. que tomandolas la Junta en consideracion resuelva lo conveniente.

Quedó encargado el S^{or}. Bassoco de contestar con el S^{or}. D. Pedro Echeverria sobre situar en su hacienda de Ajuechitlan los tres cientos p^{s}. mensuales que deben remitirse p^{a}. el amparo de las minas de Atargea.

[3 Rubrics.]

—

[Page 11, red ink.]

Sesion del 7, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta anterior se dió cuenta con las siguientes comunicaciones:

Primera. Del Juzgado de Asientos contestando la circular numero 3.—Que informe la mesa de fomento.

Dos. Del apoderado en Guanajuato remitiendo una letra de cinco mil dos cientos ochenta y un p^{s}. cuatro r^{s}. tres g^{s}. por productos de mineria del mes de Abril.—Que se reconozca la letra, se hagan los asientos y se acuse el recibo.

Tres. Del de Pachuca de 5, del corriente con otra letra de novecientos setenta y seis p^{s}. por productos del dicho mes.—Se dió el mismo acuerdo.

Cuatro. Del de Guadalajára avisando de esterado de la nota en que se le dijo cual era la responsabilidad de los encargados. —A su espediente.

Cinco. De los S. S. Maning y Mackintosh participando que habiendose retirado del cobro del derecho de mineria en Guadalupe y Calvo D. Enrique A. Mackintosh queda en su lugar D. Tomas Mackintos.—De enterado.

Three Rubrics. Seis. Del Director de la compañia del Mineral del Monte consultando sobre las leyes que arreglan la propiedad de los Estrangeros en las minas.—Se acordó que se pase á informe á los S. S. consultores de la Junta.

Ella confirmó la inteligencia de su acuerdos p^{a}. que se abonase al S^{or}. Zamora diez p^{s}. semanarios solo hasta el fin de la ultimo semana del año presente.

Se presentó por ultimo la cuenta de lo recaudado por las viviendas del Colegio en el mes anterior y se mando pasár á la Contaduria.

—

[Page 13, red ink and 21, black ink.]

Sesion del 9, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia anterior se dió cuenta con los oficios siguientes:

Primero. Del Ministerio de Justicia de 7, del corriente acusando recibo de los Estados anuales de ingresos y egreso que se le remitieron.

Segundo. Del mismo participando haber pasado al de Hacienda el aviso que sobre escaces de polvora de el Juzgado de Pachuca.—Que se incerte al mismo Juzgado.

Tercero. Del comisionado en Guanajuato fecha 4, del corriente remitiendo la contestacion que dió el Administrador de Rentas sobre un certificado que se le pidió.—Que pase á la Contaduria.

Cuarto de la Direccion general de Yndustria acusando recibo de las ultimas letras y avisando estar corriente en la liquidacion.

Se leyó un informe de la Contaduria sobre la contestacion que debe darse á las escusas que alega el Administrador de Rentas de Morelia D. José Maria Cortez p^{a}. no remitir sus cuentas pen- [Page 13, red ink.] -dientes y los productos del uno por ciento que deben existir en aquella oficina.—La Junta acordó de conformidad con respecto á que se ocurra á los S. S. Visitadores de aquella Aduana por conducto del S^{or}. Bermejillo y que asi se diga al S^{or}. Cortez.

La Tesoreria dio cuenta de que habiendo ocurrido á la Gen-

eral no se le entregaron por órden del S^{r}. Ministro las ultimas letras venidas de Tampico valiosas cuatro cientos sesenta y nueve p^{s}. ochenta y siete centavos ni la de dos mil y pico de San Blas por la mitad del derecho de averia.—Que se agreguen los avios á su espediente avisandose de la primeras á la Direccion de Yndustria.

Se leyeron dos informes de la mesa de fomento primero sobre la comunicacion del Juzgado de Nieves de 25, del pasado en contestacion á la circular num^{o}. 3, consultando se le pida el acta á que hace mencion y que diga el numero de suplentes que ecisten en aquel Juzgado.—La Junta acordó de conformidad.

Segundo consultando que habiendose elegido de nuevo en este año el Juzgado de Santa Rosa no tiene que renovar ninguno de sus miembros.—La Junta acordó de conformidad.

[3 Rubrics.]

—

[Page 14, red ink and 22, black ink.]

Sesion del 11, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 9, se dió cuenta con dos comunicaciones del E. S. Ministro de Hacienda fechas 6 y 8 del corriente pidiendo noticias en la primera sobre los productos que ingresan á sus arcas y en la segunda de los que han tenido los ramos consignados p^{s}. el fondo de azogue.—Se acordó que se den ambas, advirtiendo al Ministerio que habiendose recibido sus comunicaciones juntas el 9, á las dos de la tarde se ocupa de contestár detalladamente dos pormenores á que se contrae.

Tres. Del E. S. Gobernador de Chihuahua contestando haber pedido las noticias que se le encargaron.—A su espediente.

Cuatro. Del Juzgado minero de Hidalgo remitiendo el Acta de su instalacion.—Al Gobierno si no tiene nulidad.

Cinco. Del de Temascaltepec remitiendo el Acta de eleccion de un suplente.—Que informe la mesa de fomento.

Seis. Del comisionado en Zacatecas fecha 2 de Mayo remitiendo una libranza de seis mil dos cientos veinte y cuatro p^{s}. cuatro y medio reales por productos de Mineria del mes pasado y un recibo de veinte y cinco p^{s}. del Alumno Ayala.—Que se reconozca la letra se hagan los asientos y se acuse el recibo.

Siete. Del de Zimapan remitiendo otra de ciento treinta y seis p^{s}. dos r^{s}. cinco g^{s}. productos productos del mes de Abril. —Se dió el mismo acuerdo que al anterior agregando que se cobre la letra.

Ocho. Del de Guadalajara fecha 5, del corriente avisando

haber puesto en la casa de los S. S. Mannig y Mackintos ciento sesenta p^s. por abonos que ha [Page 15, red ink.] hecho el Garay.—Se acordó que se cobren y que la nesa informe sobre abonos pendientes.

Nueve. Del S^{or}. D. Demetrio Montes de Oca participando haber hablado con D. Pedro Anda p^a. el reconocimiento de la mina de Clavellinas y que avisará el resultado.—A su espediente.

Diez. Tres de D. José Zamora fecha nueve del corriente acompañando con el primero las memorias numeros 18 de la negociacion de Tasco.—Recibo y á la contaduria. Participando en el segundo que en la presente semana va á comenzar la nueva obra y que p^a. la raya necesita de tres cientos p^s.—De enterado: y avisando en el último haber girado una letra bajo el numero 20, valiosa dos cientos sesenta p^s.—Que se pague.

[3 Rubrics.]

—

[Page 16, red ink and 23, black ink.]

Sesion del dia 13, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 11 se dió cuenta con dos oficios del Ministerio de Justicia fecha 9 del corriente participando la aprobacion suprema de las actas de elecciones de Presidente del Juzgado de Zacualpan y de un suplente del de Asientos.—Se acordó que se inserten á los respectivos Juzgados.

Se leyó una comunicacion de D. Manuel Mariano Cortazar fecha 5 del corriente remitiendo las memorias numeros 3 y 4, de la mina de la Atargea: avisando haber sacado veinte y tres cargas de metal y no haber recibido la libranzas correspondiente á este mes.—La Junta acordó que se solicite una letra de tres cuentos p^s. sobre Querétaro girada á favor del S^{or}. Cortazar en cuyo acuerdo salvó su voto el S^{or}. Flores en virtud de que habiendose consultado al Gobierno si deben hacerse los pagos por el ramo de azogue entre tanto no debe hacerse ninguno se acordó tambien que se diga al S^{or}. Cortazar que anote en todas las memorias el numero de cargas que se sacan en cada semana y noticia del Ensaye de su ley siempre que halla motivo p^a. creer que hubiese variado.

Por último se dió cuenta con un informe de la mesa de Administracion sobre los abonos mensuales hechos por el S^{or}. Garay al comisionado en Guadalajara manifestando que con los hechos queda cubierta hasta el mes de Enero de este año y que se debe cobrar la cantidad de los ciento sesenta pesos que ha recibido el Sor. Blúme sin otro descuento que el corriente de

cambio de plaza abonandolos á la cuenta del S^{or}. Garay.—La Junta acordó de conformidad.

[3 Rubrics.]

—

[Page 17, red ink.]

Sesion de 14, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia f^{ha}. 9, acusando recibo del oficio en que se le comunicó el descubrimiento de la mina de azogue en Californias.

Segunda. Del E. S. Gobernador de San Luis fecha 9 del corriente remitiendo certificados que acreditan haberse ecsplotado en las minas de Trinidad y San Andres sententa y ocho qq. de azogue.—Que informe la mesa de fomento.

Tercero. Otro del mismo y en la misma fecha acompañando tres ceatificados que acreditan la estraccion de cincuenta y tres quintales de azogue de la mina de San Antonio en Guadalcazar y se pasó á informe de la misma mesa.

Cuarto. Del Juzgado de Sombrerete f'ha. 5, del corriente insertando la resolucion de la E. Azamblea de Zacatecas p^{a}. que dicho Juzgado no obedezca la suprema orden comunicado por la Junta sobre renovacion de suplentes.—Se acordó que se inserte al Ministerio dandole noticia de que en solo este departamento ha habido dicha resistencia.

Quinto. Del de Jesus Maria avisando su instalacion y contestando la circular numero 3.—Que informe la mesa de fomento.

Sesto. Del encargado de la recaudacion en San Luis Potosí acompañando una letra de tres cientos cincuenta y un p^{s}. quince centavos por productos de mineria en el mes de Abril.—Que se reconozca la letra se hagan los respectivos asientos y se acuse el recibo.

Septimo. Tres comunicaciones fechas 28 de Abril del encargado en Chihuahua remitiendo una letra de setecientos setenta p^{s}. tres r^{s}. por productos [Page 18, red ink and 24, black ink.] de aquella Capital y de Jesus Maria en el mes de Marzo y una cuenta que le pidió la Contaduria.—Que se reconozca la letra se hagan los respectivos asientos se acuse el recibo y se pase la cuenta á la oficina respectiva.

Octavo. De D. Manuel Garcia del Valle acompanando la renuncia que hace de primer escribiente de esta oficina.—Se acordó que se eleve al Sup^{o}. Gobierno informandole que es de admitirse.

Noveno. D. D. Ygnacio Rosso solicitando la vacante se segundo Escribiente de la misma.—Que se reserve.

Se dió cuenta con un informe de la Contaduria sobre la comunicacion del comisionado en Guanajuato f^ha^. 4, del corriente sobre remision de documentos en el espediente del S^or^. Robles. La Junta acordó de conformidad en todo lo que propone á escepcion de la última indicacion que hacia sobre pedir á los S. S. Tesorero y Administrador de Guanajuato duplicado del certificado de entero que hizó el S^or^. Robles de sesenta p^s^. por el cuatro trimestre del prestamo p^a^. el pago de la deuda de los Estados Unidos.

[3 Rubrics.]

[Page 19, red ink.]

Sesion de 18, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 16 se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Jalisco fecha 28, del pasado devolviendo informado el avancel de derechos del Juzgado de Bolaños. Y de acuerdo la Junta con dicho informe se mandó elevár de conformidad al Supremo Gobierno.

Dos. Del de San Luis Potosí acompanando una instancia de D. Andres Barroeta p^a^. que se le pague el premio correspondiente a que se quintales una arroba quince libras seis onzas de azogue esplotado del nuevo almaden y peder nal en el Durazno.—Ynforme la mesa de fomento.

Tres de la compañia restanradora del oro quejandose de la falta de polvora.—Que se inserte al Supremo Gobierno en recomendacion.

Cuatro. Del comisionado en Zacatecas fecha 12, del corriente acusando recibo de los documentos que se le remitieron p^a^. el cobro de la deuda al Sor. Llaguno.—A su espediente.

Cinco. Del de Guadalupe y Calvo avisando haber remetido las cuentas que se le piden.—Que informe la mesa de Administracion.

Seis. Del S^or^. Juez segundo de lo civil pidiendo una noticia relativa al credito que tiene en el fondo dotal el menor Elguea. —Que informe la contaduria.

Siete. De D. Miguel Quiñones fecha 16, del presente pidiendo se de orden al Sor Zamora p^a^. que le proporcione la cantidad necesaria p^a^. satisfacer al Tribunal de Tasco las costas del testimonio de los autos que señalan la parte.—Que se de la órden.

Ocho. De D. José Zamora tres comunicaciones de fecha 16, remitiendo en la primera las [Page 20. red ink and 25, black ink.] memorias numeros 19.—Recibo y á la contaduria. Participa en el se-

gundo que necesita p^{a}. la raya de tres cientos p^{s}.—De enterado. Avisando en el tercero que de los mil dos cientos setenta frascos p^{a}. azogue que hay en aquella negociacion solo habrá uno que otro con alguna faya y que deben valorizarle à tres ps. cada uno por pieza pues que están valuados à dos calcutandolos, por fierro.—Que se manifieste esta diferencia al Sor. Castillero y al Gobierno cuando se aprueben sus propuestas. Y remitiendo en los dos ultimos el aviso de haber girado la letra numero 21, valiosa dos cientos ps. y la 22, de ciento cuarenta.—Que se paguen.

Se leyo una instancia del Sor. D. Tomas Ramon del Moral sobre que le designe la gratificacion de que debe disfrutar por los meses que sustituyó la Direccion del Colegio y leido el dictamen que la mesa de fomento estendió en la solicitud pendiente ante el Gobierno.—La Junta acordó que se inserte esta al Ministerio con copia, del mensionado informe y de los articulos de la ley sobre suplencias de los individuos de la Junta y de su oficina.

Se dio cuenta con los cinco informes siguientes de la mesa de fomento.

Primero. Sobre que se manden satisfacer tres cientos noventa y cuatro p^{s}. cuatro r^{s}. dos y medio g^{s}. à D. Andres Barroeta por premio de setenta y ocho qq. tres arrobas quince libras una y media onzas de Azogue que acredita haber estraido de las minas de la Trinidad y San Andres en Guadalcazar.—La Junta acordó que se suspenda la resolucion de este asunto hasta que el Gobierno resuelva.

Segundo. Sobre que se satisfagagan dos cientos setenta y cinco p^{s}. por premio de cincuenta y tres quintales de azogue estraidos por D. Demetrio Toscano de la mina San Antonio en Guadalcazar en el que recayó el mismo acuerdo que [Page 21, red ink.] en el anterior.

Tercero. Sobre que se pida la aprobacion Suprema de la eleccion de un suplente que ha hecho el Juzgado de Temascaltepec.—La Junta acordó de conformidad.

Cuarto. Consultando se apruebe la eleccion de Presidente y su suplente hecha por el Juzgado de Bolaños y que el Gobierno supremo prevenga à los colegas que sirvieron el año pasado continuen haciendolo en este.—La Junta acordó de conformidad. Y opinando en el ultimo que se pida al Juzgado de Jesus Maria en Chihuahua que remita la acta de su istalacion que elija otro Suplente si solo ha electo dos que se le designe el fondo en que conforme a lá ley debe hacer sus gastos y que se le manden los documentos y noticias que pide.—La Junta acordó de conformidad à escepcion de la remesa de uso ejemplar de las ordenanzas de Mineria.

[3 Rubrics.]

[Page 22, red ink and 26, black ink.]

Sesion de 22, *de Mayo de* 1846.

Concurrieron los S. S. Segura y Bassoco y despues de aprobada la acta del dia 18, se dió cuenta con las comunicaciones siguientes:

Primero. Cinco del Ministerio de Justicia fhas. 16; 19 y 20, del corriente participando en la primera haber admitido la renuncia que hizo de la plaza de primer escribiente de este oficina D. Manuel Garcia del Valle.—Se acordó que se inserte al inserezado: en el segundo acompaña à informe un oficio del E. S. Gobernador de Chihuahua pidiendo se le remitan ordenanzas de Mineria y se apruebe la designacion hecha al Secretario y dependientes del Juzgado de Jesus Maria.—Que informe la mesa de fomento. En el tercero avisa estár aprobada el acta de instalacion del Juzgado de Hidalgo del Parral. En el cuarto la de suplente del de Temascaltepec y avisando en el ultimo haberse insertado al Ministerio de Hacienda la solicitud de la compañia restauradora del Mineral del oro sobre escases de polvora.

Dos. Del Juzgado de ojo caliente acompañando el acta de renovacion de un suplente.—Ynforme la mesa de fomento.

Tres. Del de Guanajuato contestando al informe de la contaduria relativo à la cuenta de clavellinas.—Que informe dicha oficina.

Cuatro. Del presidente del Juzgado de Mazapil fecha 5, del corriente haciendo dimision de su empleo.—Que se eleve con apoyo al Gobierno.

Cinco. De la Junta mercantil de fomento de esta Capital remitiendo cinco ejemplares de la balanza del año pasado.—Que se le den espresivas gracias.

Seis. Del E. S. D. Demetrio Montes de Oca participando que D. Pedro Anda de suficientes conocimientos é intachable honradez se ofrece à [Page 23, red ink.] reconocer la mina de Clavellinas por la gratificacion de doscientos pesos.—Que proceda à la visita y libre contra la Junta dicha cantidad el Sor. Montes de Oca.

Siete de la vista gral. de oficinas del Departamento de Michoacan sobre haber pedido las cuentas al Administrador suspenso de aquella Aduana y que hará se concluyan à la mayor brevedad.—A su espediente.

Ocho. Del comisionado en Guadalajara remitiendo una letra de ochocientos treinta y siete ps. un rl. tres y medio gs. por los productos del derecho de Mineria pertenecientes al mes de Abril.—Que se reconosca la letra se hagan los respectivos asientos se acuse recibo y se de orden p^{a}. cobrar los cientos sesenta p^{s}. del Sor. Garay.

Nueve, otro del mismo fecha 15, avisando haber recibido ciento sesenta p^s. del S^{or}. Garay por abonos de los meses de Febrero à Mayo.

Diez. Del de Durango remitiendo una letra por valor de mil treinta y ocho p^s. siete y medio g^s. productos de mineria del mes de Abril y la cuenta por menorizada del año anterior. —Que se reconozca la letra se hagan los asientos correspondientes se pasen los documentos à la contaduria y se acuse el recibo.

Once. Del de Culiacán fecha 1°. de Mayo remetiendo una letra de seiscientos cinco p^s. dos rs. por productos de Cosalá en Marzo.—Que se reconozca la letra se hagan los respectivos asientos y se acuse el recibo.

Doce. Otro del mismo y de la propria fecha acompañando una letra de ciento tres p^s. siete r^s. seis octavos por productos desde el dia 20 del pasado hasta 30 del mismo en el nuevo Ensaye de Culiacán y las cuentas ultimamente pedidas.—Que se reconosca la letra se cobre se hagan los correspondientes asiento y se acuse recibo.

Trece. De D. Manuel Mariano Cortazar fe- [Page 24, red ink and 27. black ink.] -cha 17 del corriente en Querétaro acusando recibo de los tres cientos p^s. que se le remitieron ultimamente y pidiendo se le facilite la cantidad necesaria p^a. tomar posesion de la mina de Providenda.—Se acordó que con ultima orden de suspension de pagos apenas podrá remitir los tres cientos pesos mensuales de su compromiso de amparo y que informe la mesa sobre las memorias que ha remitido.

Se leyeron por ultimo dos solicitudes p^a. la plaza de segundo escribiente de la oficina que hacen D. Joaquin Urrutia y D. José Garcia de Arana.—Se acordó que se reserven.

[3 Rubrics.]

—

[Page 25, red ink.]

Sesion de 25, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 22, se dio cuentas con las comunicaciones siguientes:

Primero. Del encargado de la recaudacion en Guanajuato fecha 22 del corriente acompañando la relacion de las platas ensayadas en el primer tercio de este año sus barreajes y la cuenta general de los derechos.—Se acordó que se pasen à la Contaduria.

Dos. Del de Zacatecas fecha 19 ajuntando la cuenta general de Zacatecas y Sombrerete y se le dió el mismo tramite.

Tres. Del mismo fecha 18 adjuntando una libranza de cien-

to siete p^s. dos r^s. cinco octavos por derechos colectados en Sombrerete en Abril.—Que se reconozca y cobre la letra se hagan los respectivos asientos y se acuse el recibo.

Cuatro. Del Administrador de la Aduana Maritima de San Blas avisando haber girado á favor de la Junta una libranza importante setenta y cinco p^s. ochenta y seis centavos por la mitad del derecho de averia.—Se acordó que el Tesorero ocurra por ella à la general.

Cinco. Cuatro comunicaciones de D. José Zamora fechas 23, avisando en la primera que necesita de doce almadanetas. —Que se compren. Remitiendo en la segunda las memorias numeros 20.—Recibo y à la Contaduria y avisando en las otras dos haber girado la letra numero 23, valiosa cien p^s. y la 24 que importa dos cientos.—Que se paguen.

Seis. Un oficio del E. S. Ministro de Justicia fecha 20, aprobando las propuestas de D. Andres Castillero que elevó la Junta al Supremo Gobierno y avisando que habia pasado al Ministerio de la Gobernacion la solicitud de dos citios de ganado Mayor como Colono sobre su propiedad mineria. La Junta acordó que se procediese en el acto à estendér el convenio judicial correspondiente y que se solicitase la letra de [Pesos, red ink and 28, black ink.] los cinco mil p^s. sobre Mazatlan à Guadalajara en lo que convino el Sor. Castillero y ultimamente que por el correo del Miercoles se dén las ordenes correspondientes à Tasco p^s. que entregue el Administrador à la orden del Sor. D. Tomas Ramon del Moral todos los frascos p^s. azogue que se hallen en buen uso en aquellos almacenes los que abonará à su cuenta à razon de dos ps. cada uno.

[3 Rubrics.]

Sesion de 26, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del 25, se dió cuenta con un informe de la Contaduria manifestando que la escritura cuya fecha desea saber el Sor. Macedo fue otorgado ante el Escribano D. Fernando Tamayo en 20 de Abril de 1807.—La Junta acordó que se participe al Juzgado.

Se leyeron otros tres informes de la mesa de Administracion 1°. sobre la nota de 28 del pasado de D. Enrique Mackintosh opinando que debe esperarse à que embie el barreage que se le tiene pedido.

Dos que se repeta al Sor. Olasenaga fiador de los abonos del Sor. Lebrija un recuerdo sobre los cincuenta ps. del mes de Setiembre procsimo que no ha remetido y por ultimo que se re-

cuerde tambien al Sor. D. Diego Moreno remita el importe de las perlas del Sor. Garay que se le dieron para su venta ó las devuelva por medio de persona de su confianza. La Junta acordó de conformidad.

—

[Page 27, red ink.]

Sesion de 27, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del dia 26, se leyo un oficio del E. S. Gobernador de Michoacan participando que habia dado órden al suspenso administrador de Rentas pª. que dentro de quines dias presente sus cuentas pendientes y entere las cantidades que resta y que avisará del resultado.—A su espediente.

Se leyeron tres informes de la mesa de fomento 1°. consultando se pida la aprobacion suprema de la eleccion de un suplente del Juzgado de Ojo caliente con arreglo à la circular ultima de la materia y la Junta acordó de conformidad.

Dos. Sobre la consulta del Gobierno relativa á una comunicacion del E. S. Gobernador de Chihuahua pidiendo ordenanzas y que se apruebe la asignacion de treinta pª. mensuales hecha al Secretario del de Jesus Maria. La mesa opina que se consulta al Gobierno que no teniendo ordenanzas la Junta pueden comprarlas en Zacatecas donde se venden à veinte rª. y respecto al Sueldo que se diga estár derogado el Decreto que lo estableció dejando solo derechos de arancel—La Junta acordó de conformidad.

Tres. Sobre la ultima comunicacion de D. Manuel Mariano Cortazar y el inventario que acompaña de la mina de Atargea. La mesa opina que se pase à informe à la Contaduriá y asi se acordó.

[2 Rubrics.]

—

[Page 28, red ink and 29, black ink.]

Sesion de 28, *de Mayo de* 1846.

Concurrieron los S. S. Segura y Rozas y aprobada la acta del 27, se dió cuenta con las cuatro comunicaciones que siguen:

Primera. Del Ministerio de Justicia fecha de ayer incertando la del Ministerio de Hacienda de la misma fecha en que manifiesta que intimado el bloqueo à Puertos de Veracruz y Tampico no es de esperarse que continue el curso de las libranzas de aquellas Aduanas por lo que el Gobierno ha dispuesto que la Junta reserve sus ecisistencias pª. los gastos que le son propios y los del colegio suspendiendo por ahora todo pago pª.

la esplotacion de azogue.—La Junta acordó que informe la mesa de fomento.

Dos. Del comisionado en S. Luis Potosi acompañando la cuenta y nota de barreage de la plata ensayada en el mes pasado.—A la Contaduria.

Tres. De D. Eugenio Bermejillo participando haber recabado del E. S. Gobernador de Michoacán la orden p^{a}. que el Administrador suspenso de aquellas rentas presente su cuenta dentro de quince dias pasados los cuales se encargará un empleado de hacerlas a espensas del mismo.—A su espediente.

Cuatro de los S. S. Mannig y Mackintosh fecha 27 manifestando que la firma del Sor. Garcia Granados estan solo la de un apoderado del Sor. Stahlhuecht.—A su espediente.

[2 Rubrics.]

—

[Page 29, red ink.]

Sesion de 29, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del dia 28 se dió cuenta con una comunicacion del E. S. D. Francisco Fagoaga contestando al ultimo oficino que se le puso sobre el crédito de ocho mil p^{s}. que tiene impuestos en la Hacienda de San Sebastian.—La Junta acordo que se reserve acompañandose al espediente p^{a}. cuando haya tomado algunos informes el Sor. Rozas.

Se leyó un informe de la mesa de fomento sobre la comunicacion del Gobierno relativa à la suspension de pagos del fondo de azogue. La mesa consulta primero que se incerte dicha comunicacion al E. S. Gobernador de San Luis Potosi con respecto al pago de los premios de azogue que habia acordado se pagasen por dos mil pesos à D. Timoteo Toscano por dos cientos sesenta y sinco à D. Demetrio Toscano y cuatro cientos setenta y uno cuatro r^{s}. ocho y medio g^{s}. à D. Andres Barroeta por los premios del azogue Nacional que han estraido à razon de cinco p^{s}. quintal y que si no satisfiso la primera cantidad à D. Timoteo Toscano fué por que no se presentó oportunamente y à los demas por haber venido cuando estaba ya comunicada la orden de suspension.

Segundo que se comunique la misma orden a D. Manuel Mariano Cortazar manifestandole que si puede beneficiar algunas ecsistencias de azogue lo verifique p^{a}. cubrir el amparo.

Tercero. Que se incerte igualmente al E. S. D. Demetrio Montes de Oca con el objeto de que se sirva mandar suspender la visita de la mina de Clavellinas p^{a}. que si en virtud de lo anteriormente acordado hubiese hecho algun gasto se le satisfará inmediatamente.

En virtud de haber admitido el Supremo Gobierno la renuncia que hizo D. Manuel Garcia [Page 30, red ink and 30, black ink.] del Valle de la plaza de primer escribiente de la Secretaria y que admitio el Supremo Gobierno la Junta acordó se manifestase al Ministerio del ramo que conforme à la ley tocaba el ascenso al escribiente segundo de la misma D. Manuel Couto p^{a}. ponerlo en posesion si el Gobierno esta de acuerdo.

Se acordó tambien de acuerdo con lo informado por la contaduria el pago de veinte y cinco p^{s}. al Escribano Calapiz por lo actuado en la Escritura de convenio que se habia tenido con D. Andres Castillero p^{a}. ausiliar su empresa de azogue de la mina de Santa Clara en la alta Calofornia comprendido en el oficio de suspension de todo pago de este ramo.

[2 Rubrics.]

—

[Page 31, red ink.]

Sesion de 30, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del dia 22, se dió cuenta con una comunicacion del Ministerio de Hacienda fecha 23 en que pide informe sobre si están disponibles los dos mil ciento veinte y cinco p^{s}. diez y medio g^{s}. pertenecientes al fondo de la nueva carcel de Guadalajara la Junta acordó que se le conteste inmediatamente haciendole una breve reseña del origen de este fondo pertenecientes al de azogues y que se le indique que estando pendiente el asunto en el consejo la Junta puso en deposito iregular en una casa fuerte de comercio dicha suma con la condicion de que seria debuelta en Guadalajara en la misma moneda en que hubiese sido recibida al mes de que se le partisipase la devolucion y ofreciendo ampliar el informe si asi lo creyese conveniente el ministerio.

La Secretaria manifestó que el Sor. D. Tomas Ramon del Moral esponia à la Junta que retiraba la solicitud que tenia presentada sobre asignacion de sueldo o gratificacion por el tiempo que sustituyó la Direccion del colegio en el año pasado.

El Sor. D. Joaquin Velazquez à nombre del E. S. Director del colegio manifestó que necesitando en Londres de la cantidad de mil p^{s}. y sabiendo que la Junta tenia algun dinero en la casa de los S. S. Baring Herm^{s}. le suplicaba se manda se abonar à dicha casa por valor de setenta y dos libras esterlinas siete chelines seis peniques por cuenta de algunos objetos encargados por el colegio à dichos S. S. y que girase una libranza à favor del mismo Sor. Velaquez por valor de ciento once libras nueva Shelines siete peniques p^{a}. el completo de mil p^{s}. con el cambio actual de cuarenta y cuatro un octavo. La Junta

acordó se diese la órden y se girase dicha libranza por cuenta de las dos letras de à quinientas libras cada una que giraron contra aquella [Page 32, red ink and 31, black ink.] casa los S. S. Manig y Mackintos en 30 de Noviembre del año pasado.

[2 Rubrics.]

—

[Page 33, red ink and 64, black ink.]

Sesion 21, *de Setiembre de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 18, se dió cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones fecha 13, insertando el oficio del Ministerio de Hacienda en que decediendo à las indicaciones de la Junta participa que el Supremo Gobierno ha dispuesto que las ecisistencias del fondo de azogue continuen empleandose como se habia mandado en fomento del colegio y pidiendo en clase de prestamo del fondo dotal la cantidad de veinte y cinco mil p^s.

Los S. S. Bassoco y Flores estubieron de acuerdo en que se debian representar manifestando al Gobierno que sin que se entendiera que la Junta desconozca la urgente necesidad que hay de que todos contribuyan à la defensa nacional del modo que los sea posible sin embargo considerando el origen y actual situacion del fondo dotal no se creen con facultades suficientes de sus comitentes p^s. emplearlo en ningun otro objeto de aquellos à que lo destinó la ley y despues de una detenida discucion asi se acordó no obstante las observaciones que espuso el Sor. Segura el que salvó su boto presentando una protesta que pidio constase en el acta y manifesto que remitiria el Ministerio justamente con el oficio acordado.

La Junta acordó en cuanto à lo primero que se insertase en el acta dicha protesta y con respecto à lo segundo que el Sor. Segura podia remitir como individuo de la Junta las comunicaciones que creyese [Page 34, red ink.] convenientes p^s. que la Junta no podia autorizar las protestas que hiciese contra los acuerdos de la mayorsá. En consecuencia la protesta de que se trata es la siguiente.—El que subscribe aunque con sentimiento se ve en el caso de protestár que su opinion difiere de la de sus apreciables compañeros. La suya es qne en las presentes penurias y aflictivas circunstancias en que se encuentra el Erario publico debe proporcionarse al Sup^o. Gobierno el prestamo que solicita del fondo dotal propiedad de los mineros en cantidad de viente y cinco mil pesos; que no habiendo esta cantidad en arcas se remita à la Tesoreria la ecsistencia y se complete el dicho prestamo con el primer dinero de que puede disponér la

Junta: que juzga escusado antes de obedecér la orden del Supremo Gobierno el hacér esas muy buenas observaciones que obran à favor del mismo fondo y de los intereces del propio Gobierno; por que en la sabiduria de este se han pesado y el fiél de la balanza inclinado acia el bien público cuando peligra por la guerra mas injusta el mas preciosa de los dones cual es el de la independencia Nacional le han hecho dictar una orden que en el acto debe ser acatada, sin perjuicio de manifestarle cuando se halle cumplida todo lo conveniente que este es voto el que pide quede consignado en el acta del dia como tambien que el reparto que se está haciendo debe suspenderse p^{a}. que estas cantidades se emplen en el préstamo solicitado y que si se continua haciendo se entienda tambien que salva su voto en dicho acuerdo.

Se dió cuenta en seguida con un oficio del Tribunal de Guanajuato insertando la solicitud de D. Ygnacio Portu como uno de los interezados en la venta de la misma del Toro p^{a}. que se le satisfagan trescientos cincuenta p^{s}. que se le restan.—La Junta acórdó que informe la mesa de fomento.

Otro de D. Fernando Pohls fecha 18, acompañando una letra de cuatro mil novecientos cincuenta pesos siete r^{s}. un grano por productos de Mineria [Page 35, red ink and 65, black ink.] del mes de Agosto.—Que se reconozca la letra se hagan los debidos asientos y se acuse el recibo.

Del comisionado en Pachuca fecha 12, acompañando en libranza mil quinientos cincuenta y nueve p^{s}. un rl. por producto liquido de los derechos de mineria en el mes pasado y recayó el mismo acuerdo que en el anterior. Finalmente otro de 16, del corriente del comisionado en San Luis, remitiendo la cuenta y nota del barreage del último trimestra.—Se acordo pasarle à la contaduria.

Se acordó que contase en la acta como dictamen de los S. S. Flores y Bassoco el oficio que en contestacion se puso el Gobierno y dice asi.—„ Esta Junta recibió ayer Domingo 20, el oficio que V. E. se sirve pasarle, con fecha 19, transcribiendo el del E. S. Ministro de Hacienda del mismo dia [*del mismo*] en el cual se comunica à la Junta que el E. S. General en Gefe en ejercicio del Supremo poder ejecutivo habia tenido a bien acordar en vista del oficio de fecha 12, se de al fondo establecido p^{a}. el fomento de las minas de azogue el distino à que está consignado en beneficio de la instruccion publica, p^{o}. que siendo las graves penurias del erario tan conocidas y perentorias el Supremo Gobierno necesita que del fondo dotal se le haga un prestamo de veinte y cinco mil p^{s}. en la inteligencia que se acordará el pago à la mayor brevedad.

Por nada del mundo quisiera la Junta que ni por un momen-

to pudiera pensarse que élla desconoce la urgente necesidad de que todos los que tengan en algo la nacionalidad Mexicana se apresur en a concurrir en su defensa (*y los mineros y acreedores*) del modo que à cada uno sea posiblé p°. cree tambien que faltaria à la confianza que los mineros y acreedores al fondo dotal depositaron en sus mandatarios y aun se haria indigna del aprecio del mismo Supremo Gobierno si dejara de hacer las observaciones que pasa à manifestar.

El fondo dotal consiste en el pago de un real por marco de once dineros y con autorizacion legal se impuso el cuerpo de Mineria p°. formarle y que como caudal [Page 36, red ink.] propio suyo segun las términos de la cedula respectiva letra administrado por medio de sus reprasen tantes con entera inhibicion de las rentas publicas del estado. Bajo tales garantias solicitó y le prestaron varias personas cantidades considerables à depósito irregular con hipoteca del mismo fondo debiendo hoy à estos capitales mas de diez y ocho años de reditos. Esto es lo que constituye la deuda del cuerpo de la que dimuna que forme parte de la Junta el Apoderado de los acredores.

Esta ligerisima indicacion es bastante à nuestro juicio p°. probar que el fondo dotal es una propiedad particular y esta en el caso de ser tratada y grabada como las demas sin que aparezca motivo p°. que este sugeta à otras ocupaciones y el Gobierno por consecuencia sin duda de estos principios, si bien la ha comprendido en alguna contribucion no la ha ocupado en cantidad alguna desde 1842, no obstante que en el mismo periodo ha tomada varias que forman una crecida, suma del fondo de azogue que por su naturaleza es Nacional y público.

Sin embargo de la incolumidad del fondo dotal durante aquel tiempo y à pesar de los esfuerzos con que la Junta ha procurado mejorar su admistracion consiguiendo en ella mejoras de no poca importancia; de tanta trascendencia y de tan funesto influyo fueron las ocupaciones sufridas en tiempos anteriores que no ha podido relebarse del avatimiento y postracion en que le pusieron. La hipoteca es buena; la administracion pura y bastante económica y sin embargo el precio de los creditos bajo en demasia cuyo mal solo se debe à la causa que dejamos indicada.

Esta consideracion Sor. Exmo. es la que nueve à la Junta à proferir que los individuos y corporaciones que tienen capitales en el fondo sean gravados mas bien por otras contribuciones ó derramas que no en los creditos que aqui tienen puesto que sobre la erogacion que en ellos sufririan habrian de resentir en lo succesivo el funesto resultado de que su valor bajase aun mas de lo que en el dia ha bajado. Los Apoderados de mineros y acreedores no tie- [Page 37, red ink and 66, black ink.] -nen cirtamente

mas facultades respecto del fondo dotal en virtud de las leyes de la creacion de este cuerpo que las de administrarle y aplicarle à los objetos que ellas mismas demarcán y ni unos ni otros juzgarán que sus mandatarios han cumplido con su deber si dejare de presentár estas observaciones á una administracion tan ilustrada como la presente. Repite pues que solo el deseo de llenár cumplidamente sus deberes es lo que precisa á espresár lo que lleva manifestado; por lo demás como particulares si han prestado y estan dispuestos á hacer en las criticas circunstancias del dia todo lo que el estado de sus negocios les permita.—La Junta protesta á V. E. las seguridades de su distinguida consideracion y aprecio.

[2 Rubrics.]

—

[Page 38, red ink and 77, black ink.]

Sesion del 5 *de Noviembre de* 46.

Asistieron los S. S. Segura Flores y Bassoco y leida y aprobada el acta del dia anterior se dió cuenta con un oficio del Ministerio de Relaciones fecha del 3, pidiendo se le remita dentro de ocho dias noticias esactas de los trabajos de la Junta desde 1845, con las indicaciones que creyere oportunas. La Junta acordó que en vista de los apuntes de la memoria formada por el Sor. Castera se dirijan dichas noticias al Ministerio, agregandose los sucesos posteriores hasta el presente mes.

[2 Rubrics.]

—

[Page 39, red ink.]

Sesion del 9, *de Noviembre de* 46.

Asistieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 5, se dió cuenta con las 5, comunicaciones siguientes del Administrador de Tasco, con la primera remite las memorias num. 43, y una voleta de beneficio que se labo á maquila.—Recibo y a la contaduria: participa en la segunda que remitirá las barras á cuernavaca al martes de esta semana. —De enterado: dice en la tercera, que en la semana anterior se habian labado los ultimas quincientos quintales del Metal de Trinidad: que los trabajas se habian aumentado con dos paradas y que p^{a}. la semana actual necesitaba de quinientos p^{s}.—De enterado. En los dos ultimos avisa haber girado bajo los numeros 72, y 73, dos libranzas valiosas cuatro cientos p^{s}. y la otra 100 p^{s}. (cien.)

Comenzó á leerse la memoria que ha de presentarse al Gobierno y quedaron aprobados los dos capitulos que tratan de oficina y de Juzgados Mineros y se acordó que se oficie al Sor.

Otero preguntandole el estado que tengan sus trabajos sobre arreglo de la legislacion minera.

Se leyó un oficio del Admor. de la Aduana Maritima de Veracruz fecha 2, en que participa no haber podido conseguir del giradór de la libranza numero 884, que se respaldó otra en su roemplazo en cuya virtud habiadado conocimiento del asunto desde 10, de Setiembre ofreciendo avisar el resultado.—Noticiese á la Contaduria y á su Espediente.

Otro del Sor. D. José Joaquin de Rozas fecha 5, avisando que ha prevenido á su dependiente D. Antonio Gutierres de Cuernavaca reciba las barras que se le han de mandár de Tasco y que avisará el importe de las seis á de polvora que mandó á la misma negociacion.

Otro de D. Cayetano Buitron fecha 5, remitiendo mil trescientos sesenta y dos p^s. nueve g. por productos del derecho de Mineria del mes pasado.—Recibo y á la Con- [Page 40, red ink and 73, black ink.] -taduria p^a. los debidos asientos.

Otro de D. José Zamora fecha 2, avisando que con el arriero José Apolonio se les remitan los diez quintales de azogue y la misma cantidad de sulfato que tiene pedida.—Que se mande entregar.

De D. Manuel Mariano Cortazar fecha en Rio blanco á 25, del remitiendo la ultima memoria de la Mina de Atargea.—A la Contaduria y avisando que esta pronto el Sor. Rule á otorgar la fianza por el importe de las ecsistencias que se entregaron á Cortazar en dicha Mina y reclamando el importe del cuidador de la mina en nueve semanas pidiendo se le remita en libranza el dotal de noventa y ocho p^s. seis r. á que asciende la memoria.—La Junta acordó que se diga al Sor. Rule que si ha de venir pronto á Megico podrá otorgar aqui la escritura de fianza p^a. que si tarda la estienda ante las autoridades de aquel Mineral ó nombre un apoderado. Que se oficie al Sor. Segura p^a. que entregue el anterior oficio y recabe la respuesta del Sor. Rule. Que se diga al Sor. Cortazar nombre su apoderado p^a. que firme la escritura: que la Junta no puede pasar conforme al convenio por el pago al cuidador de nueve semanas sino solo por tres y que dificultandose la libranza se le entregará el importe de la memoria deducidos los treinta y seis p^s. de dicha partida al comisionado que mande cuando venga á firmar.

[2 Rubrics.]

—

[Page 41, red ink.]

Sesion del dia 13, *de Noviembre de* 46.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 11, se acordó que se enterasen de una

vez los tres tercios de la contribucion de casas por lo perteneciento al Colegio.

[2 Rubrics.]

Sesion del dia 16 *de Noviembre de* 1946.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 13, se dió cuenta con las comunicaciones siguientes:

Primerá. Del comisionado en Guanajuato remitiendo una letras de cinco mil seis cientos treinta y nueve p^s. siete r^s. productos de Mineria en el mes de Octubre.

Dos. Del de Zacatecas remitiendo otra de cuatro mil ciento cuarenta y cinco p. dos rs. nueve g. por los del mismo mes.

Tres. Del de Durango incluyendo otra de mil tres cientos cuarenta y nueve p. cuarenta y cuatro centavos correspondientes à la misma epoca 4°. Del de Zimapan fecha 1°. de Noviembre acompanando otra de tres cientos setenta y tres p^s. correspondientes al mes anterior..—Que se reconozcan dichas letras se hagan los correspondientes asi entos y se acuse el recibo.

Cinco. Del de Zacatecas remitiendo otra de ciento veinte y tres p^s. seis r^s. tres g^s. por los productos de Octubre en Sombrerete.

Y otra por ultimo remitiendo el balance y la nota pormenorisado de lo colectado por el derecho de Mineria en aquella Ciudad en el segundo tercio del presente año.—Recibo y la Contaduria.

Concluida la lectura de la memoria que tuvo [Page 42, red ink and 79, black ink.] lugar en los dias anteriores se aprobó acordandose que se remitan igualmente al Supremo Gobierno un oficio pidiendo se espidan por el Ministerio de Hacienda las ordenes respectivas p^s. que concluido el bloqueo se pidan directamente por las Aduanas de Veracruz y Tampico las correspondientes libranzas à favor de la Junta facultando à esta p^s. que pueda negociar un prestamo p^s. acudir á los gastos del Colegio y los mas urgentes del ramo de azogues acordando por ultimo que el Sor. Presidente la lleve al Sor. Ministro p^s. su mas pronto despacho.

[2 Rubrics.]

[Page 43, red ink and 88, black ink.]

Sesion del 5 *de Diciembre de* 46.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 2, se dio cuenta con las dos comunicaciones siguientes:

Del Ministerio de Relaciones fecha de ayer acusando recibo en el primero de las noticias que se le remitieron pª. la memoria autorizando à la Junta pª. conseguir con el menor gravamen posible las cantidades que neçesite pª. cubrir los gastos del colegio y los sueldos consignados al fondo de azogue con hipoteca de este fondo bajo el concepto de que se han dado las ordenes convenientes pª. que desde luego y en cuanto se levante el bloqueo de Veracruz se remitan directamente à la Junta libranzas por el tres por ciento de importacion hasta el com-
[Page 44, red ink.] -pleto de ochenta mil pesos anuales. Agrega ademas que en el caso de no optenerse oportunamente dicho prestamo la Junta supla las cantidades necesaria del fondo dotal en calidad de reintegro por el de azogues del que se riembolsará tan luego como reciba algunas cantidades de las Aduanas ó que se realise el indicado prestamo.

Los S. S. Flores y Bassoco manifestaron que estando prefijado el destino del fondo dotal la Junta no tenia facultad pª. distraerlo à otros objetos ni en calidad de prestamo. El Sor. Segura espuso que estando en las facultades del Gobierno dictar la medida de que se trata era de parecer se obsequiase la orden solicitandose desde luego con empeño el referido prestamo cuidando de recabar las ordenes convenientes pª. que vengan las libranzas por valor de cincuenta mil pesos anuales del Puerto de Tampico tan luego como se vea libre de la invacion Anglo-Americana en consecucncia la mayoria de la Junta acordó se diese al Gobierno la contestacion en los términos indicados por los S. S. Flores y Bassoco, y el Sor. Segura pidió constase en la acta su voto agregando ademas que espondria las razones en que se fundaba y las remitiera al Gobierno.

El segundo oficio se contrae á escitár el celo de la Junta pª. que promuevo todo lo conducente à fin de proporcionarse el prestamo de los dos millones de pesos pª. la compra del azogue Español pª. el que la facultó el decreto de 17 del Febrero de 843, y se acordó tomarlo en consideracion el Lunes procsimo.

[2 Rubrics.]

—

[SELLO.] *Secretaria de la Administracion del Fondo de Mineria:*

Yo Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta capital y encargado del Archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852: Certifico que existe y forma parte de los Archivos de esta Oficina un libro ese cuadernado que consiste de 142 fojas que están numeradas en el primer lado solo del 1 al 142 inclusive

consecutivamente, que contienen y se hallan llenas de las actas de las Sesiones de la Junta de Fomento y Administrativa de Mineria desde el 2 de Abril de 1846 al 30 de Junio de 1847, titulado. „ Libro tercero de actas desde 2 de Abril de 1846 al 30 de Junio de 1847."

Certifico ademas que las actas de las Sesiones del mes de Abril dc 1846 comienzan en la foja 2ª. frente y concluyen en la 17ª. vuelta; que las actas del mes de Mayo de 1846 comienzan en la foja 18ª. frente y concluyen en la 31 frente al principio: que los actas del mes de Setiembre de 1846, comienzan en la foja 60 vuelta y concluyen en la foja 68 vuelta al principio: que las actas del mes de Noviembre de 1846 comienzan en la foja 76 vuelta y concluyen en la foja 82 vuelta; que las actas del mes de Diciembre de 1846 comienzan en la foja 83 frente al principio y concluyen en la foja 90 frente.

Certifico tambien que la precedente y anexa pajina marcada por mi con tinta encarnada con el numero 1 es una verdadera y exacta copia ó calco de la carátula del libro referido, que la precedente y anexa pajina numerada por mi con tinta encarnada „ 2 " es una verdadera y exacta copia ó calco del frente de la primera foja de dicho libro; que las precedentes y anexas pájinas morcadas por mi con tinto encanarda del 3 al 44 inclusive son una verdadera y exacta copia ó calco en papel transparente de las actas de dicha Junia como aparecen en el referido libra de la sesion del dia 23 de Abril de 1846: de todas las Sesiones del mes de mayo, de la Sesion del dia 21 de Setiembre, de las Sesiones de los dias „ 5, 9, 13 y 16 de Noviembre, y de la Sesion del dia 5 de Diciembre del referido año de 1846.

Certifico asimismo que en las fojas anexas y numeradas por mi con tinta encarnada, como va dicho, del 1 al 44 inclusive están verdaderamente copiados ó calcados los números, segun aparecen en el dicho libro en las fojas que contienen las Actas de las Sesiones referidas.

Certifico por último que en las fojas 1 y 142 del referido libro existe un sello de la oficina del papel Sellado que no aparece en el calco de la primera pajina por que el Sello está estampado en las pajinas sinuso de tinta ó color de clase algunas.

En testimonio de lo cual doy el presente en la Ciudad de México hoy 30, de Marzo de 1859.

MANL. COUTO, Srio.

—

Yo Vicente Segura, Admistrador del Fondo de Mineria: Certifico que Dn. Manuel Couto cuyo nombre aparece en el

precedente Certificado, es Secretario de esta Administracion y encargado del archivo de la misma Oficina de Mineria à cuyo archivo pertenece el libro referido que setitula. „Llbro tercero de Actas desde 2 de Abril de 1846 hasta 30 de Junio de 1847," que dicho Couto ejerce el empleo de Secretario en la fecha de su Certificado, que su firma es verdadera y merece toda fé y crédito.

En testimónio de la cual, doy el presente bajo mi firma y sello de esta Oficina en la Ciudad de México á 30 de Marzo de 1859.

[SELLO.] VICENTE SEGURA.
[Rubric.]

—

El que suscribe Oficial mayor del Ministerio
[SELLO.] de Fomento, Colonizacion, Industria y Comercio certifica, que D. Vicente Segura y D. Manuel Couto, son Administrador el primero y al segundo Secretario de la misma Administracion del Fondo de Mineria, que se halla bajo la inspeccion de este Ministerio. Atesta igualmente que los Archivos de dicha Oficina, están al cargo del Secretaria y por último que las firmas constantes al fin de los dos certificados anteriores, son las que aquellos Señores usan, asi como el sello puesto en los atestados, es el verdadero de la Oficina en que se hallan empleados.

Para testimonio de lo espuesto doy el presente firmado por mi y sellado con el sello del Ministerio, en la ciudad de México á treinta y uno de Marzo de mil ochocientos cincuenta y nueve —Entre parentesis—ocho—No vale.

[SELLO.] P. ALMAZAN.
[Rubric.]

—

José Miguel Arroyo, Yntendente honorario de Ejercito oficial mayor 1°. del Ministerio de Relaciones exteriores de la Republica Mexicana.

—

57.

Certifico que D. Pascual Almazan es oficial may-
[SELLO.] or del Ministerio de Fomeuto, colonizacion, industria y comercio de la propria República y la anterior firma es la suya que usa en los documentos que autoriza. Mexico Abril 1°. de 1859.

J. MIGUEL ARROYO.
[Rubric.]

Dros. 4 p.

[SELLO, confining ribbon.]

JOSE M. DE BASSOCO.

April 13 de 1859.

No. 111.

CONSULATE OF THE U. S. OF AMERICA,
Mexico April 2, 1859.

I, the nndersigned, Consul of the United States of America for the city of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his official acts, who is well known to me and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify, that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in foreign countries and that the seal of said attached to said certificate is the same used in the legalization of all documents by said officer.

Register J. Folio 52. Fees $2.

In testimony whereof I have hereunto set my
[SEAL.] hand and affixed the Consular Seal the day and year before written.

JOHN BLACK,
United States Consul.

[The foregoing Exhibit is composed of 44 pages of traced manuscript, confined with a ribbon, and attested as follows: José M. de Bassoco, Rubric, Abril 13 de 1859.]

EXHIBIT, BASSOCO, NO. 6, O. H.

—

LIBRO 3°. DE

ACTAS

Desde 2, *de Abril de* 1846, *hasta* 30, *de Junio de* 1847.

—

[UN SELLO.]

El Cajero pagador, depositario del Papel Sellado. Certifico que hoy à f. 18, del libro manual de cargo se ha sentado la partida siguiente:

Son cargo ocho pesos siete rs. que enteró D. Manuel Rodriguez por valor de ciento cuarenta y dos sellos quintos del bienio de 1846 y 1847, que paga p^{r}. otras tantas fojas de un Libro perteneciente à la Junta de fomento de Mineria.—B^{le}. n°. 108..... 8 7 0

Martinez del Campo.—Manuel Rodriguez.

Mejico diez y nueve de Junio de mil ochocientos cuarenta y siete.

Con mi intervencion.

JUAN N. CAMACHO.

JOSE MARTINEZ DEL CAMPO.

—

MES DE ABRIL DE 1846.

Sesion del dia 2.

Asistieron los Señores, Flores y Bassoco y despues de aprobada el acta de 31 del pasado se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha. 29, del pasado manifestando que el Gobierno ha resuelto se le dé cuenta con el informe correspondiente en las solicitudes de escusas para no ser miembros de los Juzgados. La Junta acordó que se eleve la que ha dado origen á esta contestacion del suplente del Juzgado de Pachuca.

Del Admor. de Vera Cruz remitiendo libranzas del tres por ciento por valor de setecientos setenta y un pesos setenta y cinco centavos.—Que se haga la separacion correspondiente, se reconoscan las letras, se hagan los debidos asientos y se acuse el recibo.

Segundo. Del Juzgado minero de Guanajuato fha. 30 del pasado en que su Presidente manifiesta no permitirle sus atenciones reconocer la mina de Guadalupe, por lo que seria indispensable encomendarlo á un perito; p^{o}. que esta no podria verificarse mientras la Junta no ministre lo necesario, recordaudo con tal motivo cubra lo que se le ha prestado de los fondos de aquella Sierra. La Junta acordó, que se le pregunte cuanto importará la gratificacion del perito, puesto que con respecto á la denda ya se le remite una letra de quinientos pesos.

Tercero. Del Juzgado de Tlalpujahua de 31 del pasado manifestando no poder contestar la pregunta que se le hizo sobre la mina del Socorro p^{r}. ecsistir diputaciones territoriales en el mineral del Oro. Se acordó que se diga al E. S. Gobernador

del Departamento la permanencia contra la ley de dicha Diputacion.

Cuatro. Otro del mismo, remitiendo el acta de la última eleccion de su Presidente.—Que informe la mesa de fomento.

Quinto. Del Cólega del Juzgado de Pachuca D. Pedro Castelan, pidiendo á la Junta influya para que el Supremo Gobierno derogue la orn. por la que permitió que las elecciones del Juzgado puedan verificarse en el mineral del Monte.—Que informe la mesa de fomento.

De la Direccion gral. de Yndustria f'ha. 30 del pasado acusando recibo de las últimas libranzas que se le han remitido de Vera Cruz y Tampico, y estar de acuerdo en las respectivas liquidaciones hechas por la Contaduria.

De la Aduana marítima de Mazatlan f'ha. 18 de Marzo remitiendo la noticia que se le pidió de las cantidades mandadas por el 1 p°/. de circulacion.—A la Contaduria.

Del encargado de la recaudacion en Méjico, manifestando que perteneciendo al S. Lebrija dar la cuenta del año pasado, le ha encargado la remita con la mayor brevedad.—A su espediente.

De la casa de los S S. F. de la Torre, Yecker y C^{a}. de 18 del pasado contestando que aunque no se ha recibido directamente la orn. de la Tesoreria gral., el Admor. de la Aduana, le ha ofrecido enterar los derechos q. causen los buques que lleguen en lo sucessivo. La Junta acordó q. se avise al Ministerio no haber llegado la orn.

Se dio cuenta por último con un informe de la contaduria sobre la cuenta del S. Villar, y que puesta á discusion quedó pendiente.

Se presentó el Lic. D. Cástulo Barreda se acordó se cite á los parcioneros de Tasco para tratar sobre el denuncio de la mina de S. Juan.—una rúbrica—otra rúbrica—otra rúbrica.

—

Sesion de 8, *de Abril de* 1846.

Concurrieron los S S. Segura, Flores y Bassoco y despues de aprobada la acta del dos, se dio cuenta con una comunicacion de D. Cayetano Buitron acompañando una carta del S. Lebrija que por olvido no remitió con la oficio del dia anterior y en que ofrece remitir la cuenta del año de 1845, por lo recaudado en este Departamento del derecho de Mineria. A su espediente.

Continua la discucion del dictamen de la Contaduria sobre las cuentas presentados por el S. Villard, de las obras de Arquitectura que ha hecho en el Colegio hasta el 10 del pasado. La Junta acordó de conformidad en cuanto al rebajo de los

honorarios q. hace dicha oficina, y en cuanto á la separacion de las cuentas, debiéndose formar una de los gastos, cuyo presupesto se ha aprobado y de las que hicieron sin dho. requisito.— Que en cuanto á las segundas se aprueba desde luego la partida de seis pesos cinco rs. q. importó la compostura de la atarjea, mandada hacer por el Sor. Delmotte: que en cuanto á las demas, no habiendo ordenado la Junta que se hicieron como está prevenido, se diga á dicho Sor. Villard que se han mandado ecsaminar previamente á la aprobacion de dicho gasto, y por último que el Tesorero de la Junta proceda á ecsaminarlas dandose le copia de la cuenta en lo relativo, á fin de que pueda informar lo que le paresca.

Se leyó la noticia de la recaudado por arrendamiento del Colegio en el mes pasado y se mandó parar á la Contaduria.

Se acordó que se recuerde á D. Diego Moreno la pregunta que se le hizo sobre el resultado de la venta de las perlas en la Feria de S. Juan, que se le encargó.

Se acordó por último que la Mesa de administracion presente una lista de los asuntos pendientes de su ramo á la mayor brevedad y que lo mismo haga la de fomento tan pronto como concluya los seis informes del despacho comun que tiene pendientos.—una rúbrica—otra rúbrica—otra rúbrica.

—

Sesion de 4, *de Abril de* 1846.

Concurrieron los S S. Segura, Flores y Bassoco y despues de aprobada la acta del dia 3, se dia cuenta con un oficio del Ministerio de Justicia f ha. 2, del corriente acompañando una nota del Gobernador de Zacatecas, solicitando se derogue el convenio hecho por el Gobierno con los accionistas dal Fresnillo á fin de que en lugar de los alumnos que deben sostenerse en el Colegio por cuenta de la comp^{a}. se doten con los mil y quinientos pesos dos Cáledras, una de Matemáticas y otra de Mineralogia en el Ynstituto de aquella capital—Que se busque en el archivo el decreto de que se trata.

Se leyó otra comunicacion de D. Antonio del Castillo que hace presente que estando encargado de dar el curso actual de Mineralogia, no le ha sido posible concluir la carta minera que ofreció hacia dentro de cuatro meses. La Junta acordó se prorrogue el plazo por dos meses.

Otro oficio de la Direccion general de Rentas estaneadas, manifestando no haber en sus almacenes pólvora de minas por estar activando actualmente la fábrica con la Direccion de Artilleria la entrega de las pólvoras necesarias á su surtimiento.— La Junta acordó que se inserte al Supremo Gobierno y al Juzgado de Sultepec.

Se dio cuenta con un informe de la contaduria fha. de ayer presentando la distribucion de las letras remitidas últimamente por la Aduana de Vera Cruz por las que queda restando la Direccion gral. diez y nueve y un tercio de centavos.—Se acordó de conformidad.

La Junta acordó se citase à los S S. parcioneros de Tasco y al S. Lic. Barreda para el lunes à fin de ocuparse del asunto pendiente sobre litigio de la mina del Socabon de S. Juan.

Por último que se oficiase al Supremo Gob°. participándole que la casa de Moneda aun no satisface el importe de seis barras de plata de Tasco q. se le entregaron para su acuñacion desde el 16 del pasado, manifestandole los incalculables perjuicios que reportan los mineros de este Departamento y sus circunvecinos.—una rúbrica—otra rúbrica—otra rúbrica.

—

Sesion de 6, *de Abril de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco y despues de aprobada la acta del dia 4, se dio cuenta con los oficios siguientes:

Primero. Del Juzgado minero de Zacualpan fha. 2 del corriente acusando recibo de la circular N°. 3, y avisando haber verificado ya sus elecciones.—A su espediente.

Dos. Del Juzgado de Zimapan fha. 30 del pasado acusando recibo de la misma circular.

Tres. Del Juzgado minero de Temascaltepec fha. 4 y 5, acusando recibo de la circular dicha y de la orn. que mandó dar su licencia absoluta al minero Anastacio Osorio.—A su espediente.

Cuatro. Del encargado en Guanajuato avisando que al recibir la orn. para no satisfacer ya las asignaciones de los Alumnos del Colegio Córdova y Corro, ya habian pagado sus recibos de 19 de Marzo.—De enterado y q. se avise al Sor. Mayordomo.

Cinco. De D. Agustin Font participando haber llegado á Tasco con ánimo de trabajar la mina de S. Joaquin.—A su espediente.

Seis. D. José Zamora en Tasco fha. 4 del corriente remitiendo las memorias numeros 13, y los estados Cortes de caja n°. 8.—Recibo y á la Contaduria.

Siete. Del mismo avisando necesitarse p°. la raya de la presente semana trecientos pesos: que ha dado á Quiñoner ciento cuarenta para gastos judiciales y que recibio diez y nueve por maquila de Don Leonardo Maldonado. De enterado y que se avise à la Contaduria.

Ocho y Nueve. Avisando haber girado dos libranzas por valor de doscientos cincuenta pesos la primera y de ciento cuarenta la segunda.—Que se páguen.

Diez. Avisando haber angostado los labores de Trinidad, de manera que ya es necesaria la obra que tiene propuesta, cuyo gasto ascenderá à mil doscientos veinticinco pesos.—Que informe la mesa con antecedentes.

Se dió cuenta con la carta del Lic. Barreda en que avisa no poder concurrir à la Junta por estar de parto su Señora.—Que se le diga designe el dia en que podrá concurrir para estar los parcioneros.

Se leyó el decreto del Gobierno sobre rivalidacion del contralto de compra de las minas del Fresnillo que hizo la compañia Zacatecano Mejicana; y se acordó que para estender el informe q. pide el Gobierno sobre la pretencion del Gobernador de aquel Departamento se pida al S. Rosas concurra el miercoles à la Junta.

Se dió cuenta con un informe de la mesa de fomento sobre la última eleccion hecha por el jusgado de Tlalpujahua en que consulta se eleve à la aprobacion suprema, y se le diga entre tanto proceda à elegir un suplente, y se acordó de conformidad.

El mismo tramite obtuvo el informe de la contaduria en que propone la distribucion que debe hacerse de las últimas libranzas recibidar de Vera Cruz por el tres por ciento de importacion consultando se endosen á favor de la Direccion general de Yndustria las correspondientes à su tercera parte por valor de mil setecientos veinte pesos cincuenta y nueve centavos, advirtiendo que hecho este pago solo le queda restando la Junta setenta y tres dos tercios centavos.

Habiendo avisado la Tesoreria no haber verificado el pago de las seis barras de Tasco introducidas en la casa de Moneda. —La Junta acordó se oficie al S. Superintendente fijase el dia en que debia cubrir su importe.—una rúbrica—otra rúbrica—otra rúbrica.

—

Sesion de 7, de Abril de 1846.

Concurrieron los S S. Segura, Flores y Bassoco y despues de aprobada la acta del seis se dio cuenta con un oficio del S. Superintendente de la casa de Moneda, avisando que la Junta puede ocurrir al Gobierno por el importe de las seis barras de plata de Tasco que introdujo en la casa de Moneda para su acuñacion y se queja de la amenaza de la Junta para poner en conocimiento del Gobierno la conducta de dicha casa.—La Junta acordó que se le conteste que teniendo la junta los perjuicios que le resultarian de la demora en la acuñacion de sus platas,

se espresó en los términos que lo hizo, que no encuentra razon para que se cubra el descubierte que halló el Sor. Superintendente à su entrada de nuevo à la casa, con el importe de las barras introducidas por la junta bajo las garantias de la fé pública y de un Direccion, y por último que hará valer sus incuestionables derechos donde y cuando convenga.

La Tesoreria presentó la cuenta de composturas de las accesorias que ocupa Dª. Guadalupe Candauvia y la junta acordó pase à la Contaduria, y que no teniendo reparo se pague el alcance.

Se leyó un oficio de D. Cayetano Buitron remitiendo mil quinientos dos pesos por el derecho de mineria del mes pasado, con mas treinta y nueve pesos cuatro rs. que corresponden à D. Manuel Mª. Lebrija.—Recibo y que se hagan los debidos asientos en la Contaduria.—una rúbrica—otra rúbrica—otra rubrica.

—

Sesion de 8 *de Abril de* 1846.

Concurrieron los S S. Segura Flores y Bassoco, y despues de leida y aprobada la acta del dia 7, se dio cuenta con los tres siguientes oficios del Ministerio de Justicia fha. 1°. del corriente:

Primero. Resolviendo de acuerdo con la opinion de la junta que los recibos ó libranzas que deben estenderse en papel de los sellos 3°. y 4°. podran espedirse en una sola hoja.—Que se avise à la Contaduria.

Segundo. Participando haberse comunicado al Ministerio de Hacienda el oficio de la Junta para que se den las ordenes convenientes à fin de que el Admor. de la Aduana de Tampico en cumplimiento de la ley, remita directamente las libranzas del 3 p°. de importacion.—A su espediente.

Tercero. Declarando nula la eleccion de Presidente del juzgado de Zacualpan y aprobando la del suplente de acuerdo con lo consultado por la junta. Se acordò que se inserte al juzgado la comunicacion dirijida al Gobierno en 28 del pasado y la resolucion anterior.

Otro del mismo Ministerio fha. 2, pasando á informe la solicitud del Gobernador de Jalisco pidiendo la ereccion de un Juzgado de mineria en Lagos.—Que informe la mesa de fomento.—una rúbrica—otra rubrica—otra rúbrica.

Sesion de 11 *de Abril de* 1846.

Asistieron los S S. Segura, Flores y Bassoco. Leida y aprobada el acta del dia 8, se dio cuenta con un oficio del Ministerio de Justicia f ha. 6, en que participa haber trascrito al de hacienda la nota de esta junta sobre que se surta de pólvora el Distrito de Sultepec.—A su espediente.

Se dió asimismo cuenta con un oficio del Tribunal de Mineria de Guadalcazar en que con f ha. del actual manifiesta no estar renovado su Presidente, en virtud de la proposicion sesta del plan de S. Luis.—Ynforme la mesa de fomento.

Se leyó un oficio del corresponsal de la casa de Manning y Mackintosh en Pachuca, remitiendo una Libranza de 1.322 ps. 4 rs. de los productos del derecho de Mineria en Marzo.—Acúsese el recibo reconozcase la letra para cobrarla à su vencimiento y háganse los debidos asientos.

Se leyeron tambien cuatro notas f has. 21 del pasado en que el corresponsal de la misma casa en Culiaican remite una libranza de novecientos sesenta pesos uno y cinco octavos rs. producto liquido en Alamos del mes de Fbro.: otra de veintidos pesos sesenta centavos del de Mazatlan en Enero. Otra de ciento veintiseis tres rs, seis granos del de Cosalá en el mismo mes, y la ultima de doce pesos cuarenta y seis centavos por el de Mazatlan en el de Febrero y se acordó se reconosca la primera para cobrar la en su debido tiempo, se cobren las otras, y se hagan todos los asientos correspondientes, acusando el recibo de estilo.

Se mandó pasar à la contaduria para los fines consiguientes un Certificado en que el Ensaye de Mazatlan acredita no haber habido presentacion de barras en el mes de Diciembre de 1845.

En vista de un oficio de los Señores Tomas de lo Torre Jecker y Comp^{a}. f ha. 25 del pasado en que manifiesta que la Admors. de la Aduana de Mazatlan no aplicará á la Junta la mitad del derecho de averia que le está consignado interin no recibe orn. terminante al efecto; se acordó pedirla al Supremo Gobierno, dándole conocimiento de lo ocurrido.

Ultimamente se mandaron agregar à sus antecedentes un oficio del Ministerio de Justicia f ha. 6 en q. participa haber comunicado al de Hacienda para las providencias de su resorte la nota de la junta sobre no haberle satisfecho en la casa de Moneda seis barras de plata que para su acuñacion se introdujeron en el mes pasado; y otro del Director de la espresada casa f ha. 8, en q. asegura contestará à los cargos que puedan resultarle por la falta de pago de las mismas barras.—una rubrica—otra rúbrica—otra rubrica.

Sesion de 13, *de Abril de* 1846.

Asistieron los S S. Segura, Flores y Bassoco leida y aprobada el acta de 11, se dio cuenta con un oficio de los S S. Davies y C^{a}. f ha. 7, con q. acompaña la certificacion de la producido por el derecho de mineria en S. Luis Potosi en el ultimo tercio del año anterior—Recibo y a la Contaduria para los efectos correspondientes.

Se mandó acusar el recibo, hacer los asientos que convengan y cobras la letra de doscientos setenta y un ps. cinco rs. un grano que remitió el corresponsal de los S S. Manning y Mackintosh en Zimapan con nota del 1°. del corriente por productos del derecho de Mineria en el mes de Marzo.

Se dispuso acusar recibo y pasar á la Contaduria para los efectos consiguientes las memorias num. 14, de la mina Trinidad y S. Juan y Hacienda del Chorrillo que mandó el Admor. con oficio del dia 11.

Se resolvio pagar la letra num°. 14 previos los asientos respectivos que por valor de trescientos pesos giró el Admor. de la negociacion de la propia fecha.

Tambien se acordó contestar de enterado el oficio en que avisa necesitar de doscientos ps. para la raya de la semana siguiente, asi como q. se acuse recibo y agregue à sus espedientes el documento de entrega hecha à D. Agustin Font en clase de préstamo de su mina de S. Joaquin.

Se dió cuenta con un oficio del Ministerio de Justicia f ha. 6, admitiendo la renuncia que del cargo de Consultor del Juzgado minero de Pachuca hizo Don Marcial Fernandez y se acordó transcribirlo al propio Juzgado para los efectos correspondientes.

Se dispuso pasar à iuforme de la mesa de fomento un oficio del Juzgado minero de Pinos el que con f ha. del dia 6, consulta si el suplente últimamente nombrado debe desde luego funcionar como Presidente, ó si se reserva para los casos de impedimento del anterior; y otro del Juzgado de Catorce en que con la propria f ha. consulta igualmente sino habiéndose renovado el Presidente á consecuencia de la sesta de las baces del plan de S. Luis, al hacerlo del suplente se verifica con el anterior y se debe el consultor primer nombrado, por ser el primer Cólega el que ahora suple las funciones de aquel.—una rúbrica—otra rubrica—otra rubrica.

—

Sesion de 16 *de Abril de* 1846.

Concurrieron los S S. Segura, Flores y Bassoco y despues

de aprôbada la acta del dia 13, se dio cta. con las comunicaciones siguientes:

Primera. Del superior Gobierno de este Departamento fha. 11, participando el E. S. D. Luis Gonzaga Chavarri, haber tomando posesion del mando.—Se acordó que se conteste de enterado con satisfaccion.

Dos. Del Juzgado minero de Mazapil acompañando el ultimo decreto de aquella. Exma. Asamblea que reglamentó el modo de renovar los suplentes de los Juzgados.—Ynforme la mesa de fomento.

Tres. Del de Guanajuato fha. 14 del corrte. contestando à la circular nº. 3, manifestando q. no cree necesario nombras suplente.—Que informe la mesa de fomento.

Cuatro. Dos de la Direccion gral. de Yndustria fhas. 7 y 8 del corriente acusando recibo de las últimas libranzas que se le han remitido notando una difencia de diez un tercio centavos en la liquidacion.—Que se le conteste que ella depende de un equívoco de algunos centavos en el cargo.

Cinco. Del E. S. Director del Colegio contestando à la pregunta que se le hizo sobre el artezon que cubre la escalera del Colegio manifestando que le falta el mastic.—Se acordó que se inserte al S. Besozi.

Seis. Una relacion de la Aduana maritima de Tampico de cuatro libranzas pertenecientes al tres por ciento por valor de trescientos once ps. sesenta y cuatro centavos.—A la Tesoreria para que las recoja de la general.

Siete. Del encargado de recaudacion en Zacatecas fha. 10, acompañando una letra valiosa cuatro mil seiscientos noventa y un pesos dos rs. seis granos por productos de mineria del mes pasado deducidos veinticinco pesos que se entregaron al Alumno Ayala.—Se acordo se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Ocho. Del mismo acompañando otro libranza de doscientos treinta y seis pesos un rl. cuatro y medio granos por productos de Sombrerete en el mismo mes.—Que se reconozca y se cobre la letra, se hagan los debidos asientos, y se acuse el recibo.

Nueve. Del S. Blumen encargado de la recaudacion en Guadalajara consultando sobre su responsabilidad.—Ynforme de preferencia la sria.

Diez. Del Arquitecto encargado de las obras del edificio fha de ayer en contestacion à las observaciones que se le hicieron à la cuenta que presentó ultimamente.—Que se le esplique el oficio à que se contrae pues de su contestacion se deduce que no la ha entendido.

Se dio cuenta con los informes siguientes de la mesa de fomento del dia de ayer:

Primero. Sobre las comunicaciones de los Juzgados de Guadalcazar y el mineral de Catorce en que participan no haber nombrado Presidente á virtud de la base 6ª. del plan del ejercito en San Luis Potosi. La mesa opina se inserten al supremo Gobierno para que resuelva consultándole la conveniencia de que se uniformen todos los Juzgados, habiendo ya aprobado el E. S. Presidente la eleccion de todos los demas.—La Junta acordó de conformidad.

Dos. Sobre la comunicacion del Juzgado de Pinos en que manifiesta la causa por que no ha renovado su Presidente. La mesa si de parecer que se le diga que la circular nº. 3, deroga la resolucion anterior y que debe por consiguiente renovar su Presidente.—La Junta acordó de conformidad.

Tres. Sobre el informe que pidió el Gobierno acerca del establecimiento de un Juzgado en Lagos. La mesa consulta que se pidá nuevo informe al S. Gobernador de Jalisco; y la Junta acordó de conformidad agregando se le manifiesten los inconvenientes que suelen resultar de la formacion de Juzgados en los lugares donde no hay numero suficiente de mineros instruidos, y q. para evitar los que proceden de las grandes distancias, los Juzgados estan yá autoridados para nombrar comisionados en ellos que reciban denuncios y conoscan de asuntos de menos importancia.

Cuatro. Sobre la comunicacion de Don José Zamora relativa á la obra que propone en la mina de Trihidad; y la junta acordo que se le pida el pretsupuesto que ha formado.

Se dio cuenta con un informe de la mesa de admon. sobre los asuntos que se hallan pendientes del legajo 1º. sobre cuentas de Apoderados, y en su vista la Junta dió los siguientes acuerdos:

Primero. Que si en lo que resta del presente mes no se hubieren recibido las cuentas de Chihuahua y Jesus Mª. por el último tercio de 843, que se pidieron al S. Gral. Monterde en 12 de Enero de este año, se le reclame el 1º. de Mayo.

Segundo. Que se recuerde al S. Pohls la Certificacion sobre la asignacion hecha en Guanajuato para el préstamo de los dos millones y medio de pesos que se le devolvió para su reforma en 23 de Setº. del pasado.

Tercero. Que se reclame igualmente al Sənor Potts, los documentos que ofrecio remitir de Chihuahua desde 25 de Novº. del año pasado.

Cuarto. Que se recuerde al S. Mackintosh de Guadalupe y

Calvo la pregunta que se le hizo en 13, de Enero sobre si podia encargarse del cobro del descubierto de D. Cristobal Rodriguez, asi como tambien al Admor. de Rtas. y al Alcalde 1°. del Parral el informe que se les pidió en 6 de Setiembre del pasado sobre el finiquito de las cuentas y paradero de las existencias del mismo Rodriguez.

El srio. dio cuenta de haber convenido conforme á las instrucciones que se le dieron con el Sor. Coronel D. Manuel M. Lebrija en junta celebrada ante el S. Soraya y el escribano actuario en los siguientes articulos; pero sujetándolos á la previa aprobacion de la Junta.

Prim°. Que D. Manuel M°. Lebrija continuará abonando de las dos tercera partes restantes de su sueldo, teniendo emplea efectivo, cincuenta ps. mensuales entretanto que los acreedores quedan satisfechos de sus deudas con la otra tercera, en cuyo casa la junta entrará à disfrutarla íntegramente por lo que entonces se le deba. A cuyo efecto se espedirán por la Comandancia gral. las orns. correspondientes.

Segundo. En el caso de que no obtenga empleo sino jubilacion, abonará à la junta treinta pesos mensuales y el concurso de su tercera otros veinte.

Tercera. La Junta queda libre del pago de las costas que came el negocio, á escepcion de las que tiene satisfechas.

El Sor. Bassoco que no indicándose en los conveinos anteriores cosa alguna sobre los sueldos atrasados del S. Lebrija durante el tiempo de su suspension, deberia agregarse al convenio una cláusula por lo que constase q. abonará à la Junta lo que le corresponda á razon de cincuenta pesos mensuales de las cantidades q. cobre. En cuyos términos la Junta aprobó el convenio mandando espedir en consecuencia el documento correspondiente.—una rúbrica—otra rúbrica—otra rubrica.

—

Sesion del 17 *de Abril de* 1846.

Concurrieron los S. S. Flores y Bassoco y despues de aprobada la acta del 16, se leyó un oficio del Admor. de la Aduana maritima de Vera Cruz acompanando libranzas del 3 p°. por valor de mil quinientos sesenta y cuatro ps. cuatro centavos.— Se acordó que se haga la distribucion conveniente de las letras, quese reconozcan las que tocan à la Junta y se acuse el rbo.

Se dio lectura á las instrucciones que se remiten á D. Eugenio Bermejillo á quien se encarga el cobro de las cuentas y ecsistencias que debe del derecho de 1 p°. de q. estaba encargado como Admor. de Morelia y se aprobaron, acordando se comunique dho. nombramiento al S. Cortez.

Habiendo informado verbalmente la sria. sobre la consulta que hace el comisionado en Guadalajara, relativa á su responsabilidad en el cobro á los causantes del derecho de mineria, la junta acordó se le conteste q. conforme á la contrata de los S. S. Mannig y Mackintosh es de la responsabilidad de los encargados el cobro del derecho á los causantes; pero que si el Supremo Gob°. no presta los ausilios necesarios, lo avise á la Junta para recabarlos.

Se dio cuenta con un oficio del Ministerio de Justicia f'ha. 19 aprobando el acta de renovacion de presidente del Juzgado de Tlalpujahua. Se acordó q. se inserte á dicho Tribunal.—una rubrica—otra rúbrica—otra rúbrica.

—

Sesion del dia 20, *de Abril de* 1846.

Concurrieron los SS. Flores y Bassoco y aprobada la acta del 17, se dio cuenta con las comunicaciones siguientes de los comisionados para el cobro del derecho de mineria.

1°. Del de Guanajuato remitiendo una letra de tres mil setecientos ocho pesos dos rs. por productos del mes de Marzo.

2°. Del de S. Luis Potosi id. id. por valor de mil ochocientos sesenta y ocho ps. sesenta y dos centavos.

3°. Del de Durango otra de setecientos noventa pesos dos rs. tres granos.

4°. Del de Guadalajara acompañando otra de novecientos setenta y dos ps. tres rs. diez granos.

5°. Del de Chihuahua f'ha. 4 del corriente enviando otra de seiscientos ochenta y cuatro ps. cinco rs. cuatro gs. por productos pertenecientes á Febrero en aquel mineral y en el de Jesus Maria. Y se acordó que se reconozcan, se hagan los asientos y se acuse recibo. Le leyeron las sig^tes^. comunicaciones de D. José Zamora de 18 del corriente:

1ª. Remitiendo las memorias n°. 19, de Tasco.—Recibo y á la Contaduria.

2ª. Avisando necesita para la raya de esta semana trescientos pesos.—De enterado.

3ª. Participando haber girado la libranza n°. 15, valiosa doscientos cincuenta pesos.—Que se pague.

4ª. Dando parte de haberse encontrado en la mina de Trinidad algunas nuevas labores que aunque en vetas angostas tienen leyes muy rasonables, pues q. siendo la construccion y beneficio de veinticinco marcos, el de ciento cuarenta ps. por cien quintales, se tendrán de utilidad sesenta pesos por cuya razon aumentará la raya. De enterado con satisfaccion.

5ª. Manifestando que habiendo propuesto á la Junta en 30

de Agosto prócsimo pasado como una garantia de sus cálculos el que no se abonaria su sueldo como Admor. siempre que la negociacion saliese perjudicada; pero que resultando de la cuenta que remitió en 4 del pasado, haber utilidades, la Junta no tendrá á mal se cubra de los sueldos que ha dejado de percibir. —Se pidieron antecedentes à la mesa para la debida resolucion.

Se leyó otro oficio fha. 18 de D. Migl. Quiñones avisando que el Tribunal de Mineria no solo negó la audencia à los demas parcioneros de la mina de S. Juan, sino que por si solo negó la apelacion interpuesta y concluye pidiendo la orn. para que el Sor. Zamora haga el pago de sus gastos.—Se acordó que se inserte de toda preferencia al S. Lic. Barreda, y se le diga que ya está dada la orn. al S. Zamora.

Se dio cuenta con la distribucion que hace de las últimas libranzas de Vera Cruz la contaduria, quedándose restando á la Direccion general de Yndustria veintiseis y dos tercios de centavo. Se acordó de conformidad.

Se leyó la minuta de contestacion q. presentó la mesa de Administracion al S. D. Enrique Blumet sobre la responsabilidad de los comisionados para el cobro del derecho de mineria.

Se dio cuenta finalmente con un informe de la Contaduria sobre una cuenta presentada por Don Antonio Villard manifestando haber la diferencia en ella de un peso cuatro rs. y opinando q. deducido del alcance que reclama debe pagársele el resto del presupuesto de obras aprobado por el supremo Gob°. en el año anterior, y asi se aprobó.—una rúbrica—otra rúbrica —otra rúbrica.

—

Sesion de 23 *de Abril de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 20, se dio cuenta con las comunicaciones siguientes:

1ª. Del Ministerio de Justicia fha. 17 del corriente autorizando á la Junta para que pueda comprometer en jueces árbitrios el asunto del cobro de ocho mil pesos á Don Joaquin Llaguno como fiador de D. Manuel Gonzalez.—Que se formen las instrucciones para D. Eduardo Penny.

2. Del mismo fha. 20, contestando haber transcrito al Ministerio de Hacienda la comunicacion en que se pide se den ordenes ejecutivas á las Aduanas de Mazatlan y Guaymas para la entrega de la mitad del derecho de averia consignado para el pago de la que adeuda el Gobierno à la Junta.—A su espediente.

3. Del E. S. Gobernador de S. Luis Potosi acompañando Certificados de haber sacado de las minas de Guadalcazar quinientos ochenta y seis quintales de azogue à fin de que se le satisfaga el premio de cinco pesos por quintal con cedido por la ley, manifestando que los interesados suplican el pronto pago con objeto de proporcionarse un aparato de destilacion.—Que informe la mesa de fomento.

4. Del Juzg°. minero d Zimapam quejándose del juez de Letras de aquel partido.—Que se inserte con recomendacion al S. Gobernador del Departamento.

Dos de la Direccion general de industria f has. 20 y 22 del corriente, acusando recibo de las ultimas libranzas del 3 p°₀. de importacion con la diferencia de un centavo.—A su espediente el prim°. y á la Contaduria el segundo.

Otro del Administrador de Hermosillo manifestando la razon por que no ha podido remitir las cuentas del uno p°₀. que se le piden—A su espediente.

Otro del Arquitecto D. Antonio Villard presentando una lista de las obras que en su concepto deben hacerse en el Colegio para su reponcion y conservasion, importantes doscientos cincuenta ps.—Que de Tesorero informe en vista de las obras q. se proponen.

Se leyó un informe de la Contaduria sobre una cuenta del encargado de la recaudacion en Guadalajara consultando se estrañe al Ensayador y Administrador que la certificaron sin verla.—La Junta acordó de conformidad, agregando que al oficiarse al S. Ensayador mayor se le acompañe el Certificado de que se trata pidiendole lo devuelva p°. q. remitiéndose al encargado se reponga la cuenta y que lo mismo se diga á la Direccion de rentas respecto del Administrador.

Otro informe de la contaduria haciendo la distribucion de las libranzas del 3 p°₀. vendidas ultimamente de Tampico importantes trescientos once pesos sesenta y cuatro centavos.

Se dio cuenta con un dictamen de la mesa de fomento sobre no haber elegido presidente el Juzgado de Mazatlan. La mesa opina que se pregunte. ¿Como no hay mineros que sepan leer y escribir cuando en Fbro. de este año votaron veintitres en volacion secreta mediante cédulas?—La Junta acordó de conformidad.

La Secretaria dijo que en los espedientes relativos de Tasco consta ser cierto que D. José Zamora ha dejado de abonarse los diez pesos semanarios que le asignó la junta como Administrador dude que en 30 del pasado ofreció no cobraria dicha asignacion si liquidada la cuenta de todo el año no resultaba utilidad á favor de la Junta y manifesto tambien que la mesa respectiva de la contaduria habia informado en 14 de Marzo es-

tar conforme en que la utilidad de cuatro mil pesos que dedujo dicho Zamora está deducida con esactitud. La Junta acordò que puede abonarse dicha cantidad desde Agosto hasta fin de Diciembre del año pasado.

Habiendo remitido el Profesor del Colegio Don Tomas Ramon del Moral mas muestras de cinabrio del presidio de Sta. Clara en Californias, se acordò que se pasen al S. Director con copia de las cartas del Sor. Castillero que las remite para que se haga los correspondientes ensayes.

Se diò cuenta con una lista que presentò la mesa de Administracion de los asuntos pendientes y acordò.

Primº. Que se reclame á D. Enrique Mackintosh el cobro de los abonos que debe hacer al Ensayador D. Mariano Catañio.

Dos. Que se recuerde al S. D. Diego José Perez Fernandez las cantidades y contestaciones q. ofreciò dar desde 1º. de Marzo, haciendo que el ofº. se le entregue en propia mano.

Y tercero. Que se repita al Sor. D. Miguel Mosso el oficio en que se le preguntò si está en corriente el pago de réditos de los ocho mil ps. q. reconoce sobre su hacienda de S. Sebastain. —una rúbrica—otra rúbrica—otra rúbrica.

—

Sesion del dia 25 *de Abril de* 1846.

Concurrieron los SS. Segura Flores y Bassoco. Leida y aprobada la acta de 23, se dio cuenta con un informe de la mesa de fomento relativa a la comunicacion del E. S. Gobernador de S. Luis fha. 18, del corriente en que pide se satisfagan á la mayor brevedad los premios concedidos al azogue esplotado de las minas Nacionales. La mesa opina que estando conformes los documentos con el reglamento dado para la satisfaccion de dichos premios, debe mandarse satisfacer la cantidad de dos mil novecientos treinta ps. que importan los quinientos ochenta y seis quintales esplotador hasta fin de Mzo. procsimo de las minas de San Antonio y Sta. Lucia en Guadalcazar y que se diga al S. Gobernador, que la Junta por el último paquete ingles ha encargado á Londres dos aparatos de Destilacion de los perfeccionados ultimamente por el Dr. Ure. Proponia tambien se libra se vrn. à su comisionado en S. Luis para que entregase los productos del derecho de mineria en el presente mes; pero habiendose presentado dos libranzas valiosas la mencionada cantidad de dos mil novecientos treinta ps. la Junta acordò se pagase inmediatamente previo el reconocimiento de la firma conformándose en todo lo demas con el informe de la mesa, y que asi se dijese por el correo de hoy al S. Gobernador y al S. D.

Julian de los Reyes manifestandoles los deseos y el decidido empeño q. tiene la Junta por el fomento de las minas de azogue de Guadalcazar.

Se acordò finalmente à los parcioneros de la negociacion de Tasco y al S. Lic. D. Castulo Barreda pa. el Lunes procsimo con objeto de imponerlos de las ultimas contestaciones de D. Miguel Quiñonez sobre el litigio pendiente con el S. Madariaga por el denuncio del Socabon de S. Juan.—una rúbrica—otra rúbrica—otra rúbrica.

—

Sesion del 27 *de Abril de* 1846.

Concurrieron los S. S. Segura, Flores y Bassoco y despues de aprobada la acta del 25, se dio cuenta con las comunicaciones siguientes:

Prima. Del Juzgo. minero de Tacualpam remitiendo la acta de eleccion de su espediente.—Que informe la mesa de fomento.

Segunda. Del de Guanajuato fha. 24 del corriente avisando que el importe del reconocimiento de la mina de Clavellinas, sera de ciento veinticinco ps. y que ha pasado las observaciones á la cuenta anterior del S. Lascano.—Se acordò que se imponga del asunto al S. Montes de Oca por si puede proporcionar un reconocimiento de la mina mas esacto imparcial y barato.

Tercero. De la Direccion gral. de Yndustria fha. 25, acusando recibo de las ultimas libranzas de Tampico valiosas noventa y nueve ps. sesenta y nueve dos tros. centavos y estar conforme en la última liquidacion.

Cuarto. Del Ensayador mayor fha. de hoy devolviendo la cuenta que se le remitiò de Guadalajara y ofreciendo que por el correo pròcsimo hará presente al Ensayador la falta en que ha incurrido.—A su espediente.

Quinto. Del comisionado en Guadalupe y Calvo acompañando una letra de dos mil quinientos diez y siete ps. veintiun centavos por producto del derecho de aquel mineral de Enero á Marzo de este año y la cuenta del ultimo tercio.—Que pase á la contaduria: se reconosca la letra, se hagan los debidos asientos, se acuse el recibo y se le diga al S. Mackintosh que solicite quien se encargue del cobro de la deuda de que habla, asignandole un tanto de lo que comiga.

Sesto. Del S. Admor. de Contribuciones directas reclamando el pago de treinta ps. por el último tercio vencido de la pension de tres al millar de las fincas del Colegio.—Se acordò que se pague.

Setimo. Seis comunicaciones de D. José Zamora fha. 25

del corriente remitiendo con el prim°. las memorias num. 16, y acordo se le acuse el recibo y se pasen à la contaduria, avisando en el segundo q. necesita para la raya de la presente semana doscientos cincuenta pesos.—De enterado. Acompañando en el tercero el presupuesto de la obra nueve que propuso en la mina de Trinidad. La Junta acordò que se le autorice para dicho gasto. Avisando en el cuarto haber entregado á D. Miguel Quinones ciento veinticinco ps. por derechos que cobrò á aquel Tribunal por el Certificado q. remitiò dicho Sor.—A su espediente. Y avisando en los dos últimos, haber girado la libranza n°. 16 por valor de trescientos nueve ps. cuatro rs. y la 17, valiosa ciento veinticinco ps. Se acordò su pago.

Octavo. De D. Miguel Quiñones f ha. 25, acompañando el certificado de aquel Tribunal q. pidiò el S. Lic. D. Cástulo Barreda y avisando haber recibido D. José Zamora ciento veinticinco ps. p°. pago de costas del mismo.

En este momento se presentó el mencionado Lic. D. Cástulo Barreda, y avisando haber recibido de Don José Zamora ciento veinticinco ps. para pago de costas. Ympuesto de dho. Certificado se acordó que haga la debida instancia ratificando la junta el nombram°. que hizo el antiguo establecimiento para su apoderado en el negocio, en el Srio. de la misma y previniendo se hagan por el escribano las correspondientes anotaciones en el protocolo y en la copia.

No concurrieron los parcioneros de la mina de Trinidad à quienes se habia citado.—una rúbrica—otra rúbrica—otra rùbrica.

—

Sesion del 29, de Abril de 1846.

Concurrieron los S. S. Flores y Bassoco y despues de aprobada la acta del dia 27, se leyò una comunicacion del E. S. Ministro de Justicia f ha. 21 del corriente en que conformándose con la opinion de Junta previene que proceda desde luego à elegir su Presidente los Juzgados de Guadalcazar y el Mineral de Catorce no jusgando comprendida su renovacion en el articulo 6°. del plan de S. Luis Potosi.

Se leyò en seguida el informe dado por el Tesorero sobre las obras efectuadas sin previo presupuesto en el colegio y se acordó que repuesta sòlidamente la compostura de la atarjea de la entrada á la casa del S. Director q. importò seis pesos cinco rs. se pague la suma de cuarenta y dos ps. seis rs. q. importan dichas obras cargándose á la cantidad designada para composturas, para la que está autorizada la Junta en el presente año conforme à la ley.

Se dio cuenta con un informe de la mesa de fomento en que

propone se eleve à la aprobacion suprema la eleccion de presidente que hizo en 19, del actual el Juzgado de Zacualpan y se acordò de conformidad.

Se firmò por los S. S. de la Junta el poder que confiere à su Secretario para que represente sus derechos en el litigio pendiente con en S. Madariaga sobre el denuncio de la mina del Socabon de San Juan.—una rúbrica—otra rubrica—otra rubrica.

—

Sesion del 30 *de Abril de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 29, se dio cuenta con un oficio del Ministerio de Justicia f'ha. 28, acusando recibo de los estados de ingresos y egresos de Febrero y Marzo y que en lo sucesivo se remitan mensualmente.—La Junta acordò que se manden los estados del año pasado que son los únicos que faltan.

Tres oficios del E. S. Gobernador del Departamento de S. Luis Potosi de 25 del que acaba remitiendo otras tantas solicitudes de los mineros de Guadalcazar y los Certificados con que acreditan haber esplotado ochocientos quintales de azogue de la mina de S. Antonio y cien quintales de la de Sta. Lucia.—Que informe la mesa de fomento.

Otro oficio del Juzgado de Asientos remitiendo el acta de la eleccion de un suplente.—Que informe dha mesa.

Otro del Admor. de la Aduana maritima de Veracruz f'ha 25 acompañando libranzas del 3 p°. valiosas mil cuatrocientos setenta y cuatro ps. un centavo.—Se acordò que sè haga la separacion correspondiente de las que tocan á la Direccion gral. de Yndustria asi como los debidos asientos, que se reconozcan las pertenecientes á la Junta y se acuse el recibo de todas.

Tres comunicaciones del comisonado en Culiacan acompañando otras tantas libranzas, la primera valiosa cuatrocientos trese pesos y un grano p'. productos del derecho de mineria del mes de Febrero en Cosalá. Segunda de trescientos noventa y cinco pesos y siete centavos por los pertenecientes al mes de Marzo en Mazatlan, y la tercera valiosa dos cientos ochenta y tres pesos siete rs siete octavos correspond'e. á Alamos, por los productos del mismo Marzo.—La Junta acordò que se reconozcan las letras, se hagan los respectivos asientos, se acuse recibo y se cobre la última.

Se leyeron dos informes de la mesa de Administrac'. el primero sobre la deuda de D. Mariano Catafio y La Junta acordò de conformidad pero que se indique al Sor. Mackintosh que la Junta está pronta á abonarle por dicho cobro hasta un diez por ciento y q. de dicho premio podrá abonar lo que le paresca conveniente á su comisionado en el Parral.

En el segundo informe sobre la deuda de Don Cristobal Rodriguez la Junta dispuso que se lleve al cabo su ultimo acuerdo en la materia.

Habiéndose presentado el S. Lic. D. Diego José Perez Fernandez á la conferencia que se le invitò p°. tratas sobre los dos puntos pendientes de su deuda la Junta acordò que se le dé cuenta el dia de mañana por la Contaduria con los antecedentes citando para el sábado á dicho Sor. Fernandez para poder resolver.—una rúbrica—otra rubrica—otra rúbrica.

—

Mes de Mayo de 1846.

Sesion del dia 2.

Concurrieron los Señores Bassoco y Flores, y despues de aprobada la acta del dia anterior, se leyò una comunicacion de D. Manuel Mariano Cortazar de 22 del pasado á la que acompaña el inventario de las ecsistencias que recibiò en la mina de Atargea.—La junta acordò que entretanto informa la mesa de fomento se le conteste que se verá al S. Echeverria y bien por su conducto à dirijiéndose á Querétaro se le remitirá dinero por el correo del miércoles.

Se presentò el S. Lic° D. Diego Perez Fernandez y despues de haber convenido en las observaciones hechas por la contaduria manifestò q. teniendo que marchar à Yxtlahuaca donde ha sido nombrado Juez de Letras presentaria sus proposiciones para el pago de la que adeuda à cuyo efecto vendria el lunes à terminar la liquidacion respectiva.—una rubrica—otra rubrica —otra rúbrica.

—

Sesion del 4, *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco: leida y aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Prim°. Del Juzgado de Pachuca f ha 30 del pasado manifestando la falta de polvora que supre aquel Mineral.—Se acordò que se inserte al Gob°.

Segundo. Del Distrito de Nueves f ha 25 del pasado contestando à la circular n°. 3.—Que informe la mesa de fomento.

Tercero. Del de Bolaños participando la renovacion de su presidente conforme à la orn. del Gobierno; y se diò el mismo acuerdo.

Cuarto. Del Admor. de Morelia D. José M°. Cortez, escusándose de no haber remitido las cuentas del 3 p°.—Que informe la contaduria.

Quinto. Del Coronel D. Miguel Mosso manifestando que aunque reconoce sobre su hacienda de S. Sebastian ocho mil pesos al S. Fagoaga aun no estan designados los individuos à quienes deba pagarse.—Que se traslade esta comunicacion al Sor. Fogoaga.

Sesto. De D. Eugenio Bermejillo fha 24, en Morelia, aceptando el encargo que se le diò para el cobro en aquella ciudad á D. José M. Cortes quien le ofrecio que dentro de quince dias entregaria sus cuentas.

Setimo. Del E. S. Director del Colegio insertando el informe de la junta facultativa del mismo sobre el resultado del ensaye q. hizo de las muestras de cinabrio rensilidas por D. Andres Castillero de Californias.—Se acordò se inserte al supremo Gobierno manifestandole no haberse recibido esta contestacion hasta el dia de ayer, y que se ha contestado al S. Castillero, manifieste la clase de proteccion ó ausilios que necesita para el buen ecsito de su empresa y refiriéndole por último los premios que se han pagado al azogue nacional estraido en Guadalcazar.

La Aduana marítima de Tampico remitió el indice de libranzas por el 3 p°. valiosas cuatrocientos sesenta y nueve pesos ochenta y siete centavos.—Que se recojan las letras de la Tesoreria.

Se leyó una comunicacion de D. Julian de los Reyes fha 29 del pasado avisando de enterado de haberse pagado su libranza anterior de dos mil novecientos treinta pesos y haber girado otra de dos mil pesos, que con dos importantes dos mil quinientos dirijidas por D. Vicente de Bustos, entiendo que no se presentarán otras que las que correspondan al azogue que se recoja en Abril y hta el 24 de Mayo en que cesa el privilegio.—Se detuvo el acuerdo hasta vir el dictamen de la mesa de fomento.

Cuatro comunicaciones de D. José Zamora fha 2 del corriente acompañando con la primera las memorias num°. 17, los estados y el corte de caja n°. 4, pertenecientes al mes pasado.—Recibo y á la Contaduria. En el segundo avisa que necesita dos cientos cincuenta pesos para la raya de la presente semana.—De enterado y participa en los dos últimos haber girado las libranzas num. 18 y 19, las que se mandaron pagar.

Se dio cuenta con un informe de la contaduria designando las letras que corresponden á la Direccion gral de Yndustria de la ultima remesa de Vera Cruz la que queda restando once centavos.—Se acordó de conformidad.

Dos informes de la mesa de fomento de los que en el primero consulta se eleve à la suprema aprobacion la acta de eleccion de su presidente y se acordó de conformidad, y el otro sobre la

comunicacion del E. S. Gobernador de S. Luis Potosí remitiendo los Certificados que acreditan haber esplotado los mineros de Guadalcazar novecientos quintales de azogue.—La mesa opinó que debe mandarse satisfacer por el premio q. los corresponda á cinco ps. quintal la suma de cuatro mil quinientos, y que viniendo endosados los dos mil pesos que pertenecen á D. Bacilio Martinez en favor de D. Julian de los Reyes puede pagarse la libranza que avisa hoy haber girado por dha cantidad.—La Junta acordó de conformidad y se mandó pagar dicha letra.—una rúbrica—otra rubrica—otra rúbrica.

—

Sesion del 6 *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y aprovada la acta del dia 4, se acordò pasar un oficio al E. S. Ministro de Justicia manifestando que aunque la junta no se cree comprendida en la circular de 5 del corriente que previene la suspencion de pagos, consulta sin embargo, si debe suspender los que tiene que hacer para el desempeño de la Administracion que le confiò la ley dada pª. el fomento de las minas de Azogue. Acordò igualmente advertir las propuestas q. hizo el Sor. Lic. D. Diego José Perez Fernandez contraidas á abonar cada mes del sueldo q. disfruta como Juez de Letras del partido de Yxtlahuaca, la cantidad de cincuenta pesos hasta el completo del pago de su deuda, que liquidada ha resultado ser de mil cuatrocientos pesos, comenzando à hacer sus enteros desde 1º. de Julio.

Se presentò el S. D. Andres Castillero é informò verbalmente sobre el descubrimiento, denuncio y estado actual de la mina de azogue situada en el Mineral de Sta Clara de la alta California invitando á la Junta à tomar acciones en la compañia que ha establecido para su laboréo con otras medidas que pide recabe del supremo Gobierno en fomento de la empresa. La junta acordò que el S. Castillero presente por escrito sus indicaciones para q. tomándolas la junta en consideracion resuelva lo conveniente.

Quedò encargado el S. Bassoco de contestar con el S. D. Pedro Echeverria sobre cituar en su hacienda de Ajuechitlan los trescientos ps. mensuales que deben remitirle para el amparo de las minas de Atarjea.—una rubrica—otra rubrica—otra rúbrica.

—

Sesion del 7 *de Mayo de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues

de aprobada la acta anterior, se dio cuenta con las siguientes comunicaciones:

Primera. Del Juzgado de Asientos contestando la circular nº. 3.—Que informe la mesa de fomento.

Dos. Del apoderado en Guanajuato remitiendo una letra de cinco mil doscientos ochenta y un pesos cuatro rs. tres granos por productos de mineria del mes de Abril.—Que se reconozca la letra se hagan los asientos y se acuse el recibo.

Tres. Del de Pachuca de 5 del corriente con otra letra de novecientos setenta y seis pesos por productos del dicho mes. —Se dió el mismo acuerdo.

Cuatro. Del de Guadalajara avisando de enterado de la nota en que se le dijo cual era la responsabilidad de los encargados. —A su espediente.

Cinco. De los SS. Maning y Mackintosh participando que habiendose retirado del cobro del derecho de Mineria en Guadalupe y Calvo D. Enrique A. Mackintosh queda en su lugar D. Tomas Mackintosh.—De enterado.

Seis. Del Director de la Compañia del mineral del Monte consultando sobre las leyes que arreglan la propiedad de los estrangeros en las minas.—Se acordó que se pase á informe á los Señores Consultores de la Junta.

Ella confirmó la inteligencia de sus acuerdo para que se abonase al S. Zamora diez pesos semanarios solo hasta el fin de la ultima semana del año presente.

Se presentó por último la cuenta de lo recaudado por las viviendas del Colegio en el mes anterior y se mandó pasár á la Contaduria.—una rubrica—otra rubrica—otra rúbrica.

—

Sesion del 9, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia anterior se dió cuenta con los oficios siguientes:

Primero. Del Ministerio de Justicia de 7, del corrte. acusando recibo de los estados anuales de ingresos y egresos que se le remitieron.

Segundo. Del mismo participando haber pasado al de Hacienda el aviso que sobre escasez de pólvora dá el Juzgado de Pachuca.—Que se incerte al mismo Juzgado.

Tercero. Del comisionado en Guanajuato fha 4, del corriente remitiendo la contestacion que dio el Admor. de rentas sobre un Certificado que se le pidió.—Que pase á la contaduria.

Cuarto. De la Direccion gral. de Yndustria acusando recibo de las últimas letras, y avisando estar corrte. en la liquidacion.

Se leyó un informe de la Contaduria sobre la contestacion que debe darse á las escusas que alega el Admor. de Rentas de Morelia D. José M. Cortez para no remitir sus cuentas pendientes y los productos del uno p°. q. deben existir en aquella oficina.—La Junta acordó de conformidad con respecto á que se ocurra á los Señores Visitadores de aquella Aduana por conducto del S. Bermejillo y que asi se diga al Sor. Cortez.

La Tesoreria dió cuenta de que habiendo ocurrido á la general, no se le entregaron por orn. del Sor. Ministro las últimas letras venidas de Tampico valiosas cuatrocientos sesenta y nueve ps. ochenta y siete centavos ni la de dos mil y pico de S. Blas por la mitad del derecho de averia.—Que se agreguen los avisos á su espediente avisándose de las primeras á la Direccion de Yndustria.

Se leyeron dos informes de la mesa de fomento primero sobre la comunicacion del Juzgado de Nieves de 25 del pasado en contestacion á la circular n°. 3, consultando se le pida el acta á que hace mencion y que diga el n°. de suplentes que existan en aquel Juzgado.—La Junta acordó de conformidad.

Segundo consultando que habiéndose elegido de nuevo en este año el Juzgado de Sta. Rosa no tiene que renovar ninguno de sus miembros.—La Junta acordó de conformidad.—una rúbrica—otra rubrica—otra rúbrica.

—

Sesion del 11, *de Mayo de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 9, se dió cuenta con dos comunicaciones del E. S. Ministro de Hacienda f has. 6 y 8 del corriente pidiendo noticias en la 1ª. sobre los productos que ingresan á sus arcas y en la segunda de los que han tenido los ramos consignados para el fondo de azogues.—Se acordó que se den ambas, advirtiendo al Ministerio qne habiendose recibido sus comunicaciones juntas el 9, á las dos de la tarde se ocupa de contestár detalladam^te. los pormenores á que se contrae.

Tres. Del E. S. Gobernador de Chihuahua contestando haber pedido las noticias que se le encargaron.—A su espediente.

Cuatro. Del Juzgado minero de Hidalgo remitiendo el acta de su instalacion.—Al Gobierno sino tiene nulidad.

Cinco. Del de Temascaltepec remitiendo el acta de eleccion de un suplente.—Que informe la mesa de fomento.

Seis. Del comisionado de Zacatecas fha 2 de Mayo remitiendo una libranza de seis mil doscientos veinticuatro pesos cuatro y medio rs. por productos de mineria del mes pasado y un recibo de veinticinco ps. del Alumno Ayala.—Que se reconozca la letra, se hagan los asientos y se acuse el recibo.

Siete. Del de Zimapan remitiendo otra de ciento treinta y seis pesos dos rs. cinco gs. productos del mes de Abril.—Se dió el mismo acuerdo que al anterior agregando que se cobre la letra.

Ocho. Del de Guadalajara fha 5, del corriente avisando haber puesto en la casa de los SS. Manning y Mackintosh ciento sesenta pesos por abonos q. ha hecho el S. Garay.—Se acordó que se cobren y q. la mesa informe sobre abonos pendientes.

Nueve. Del S. D. Demetrio Montes de Oca participando haber hablado con D. Pedro Anda para el reconocim^to^. de la mina de Clavellinas y que avisará el resultado.—A su espediente.

Diez. Tres de D. José Zamora fha 9 del corrte. acompañando con el primero las memorias n. 18 de la negociacion de Tasco.—Recibo y á la Contaduria. Participando en el segundo que en la presente semana vá á comenzar la nueva obra y que para la raya necesita de trescientos pesos.—De enterado: y avisando en el ultimo haber girado una letra bajo el n°. 20, valiosa doscientos sesenta pesos.—Que se pague.—una rúbrica —otra rubrica—otra rúbrica.

—

Sesion del dia 13, *de Mayo de* 1846.

Concurrieron los Señores Segura, Flores y Bassoco y despues de aprobada la acta del dia 11, se dió cuenta con dos oficios del Ministerio de Justicia fha. 9, del corriente participando la aprobacion suprema de las actas de elecciones de Presidente del Juzgado de Zacualpan y de un suplente del de Asientos.—Se acordó que se inserten á los respectivos Juzgados.

Se leyó una comunicacion de D. Manuel Mariano Cortazar fha 5 del corriente remitiendo las memorias n. 3 y 4, de la mina de la Atargea: avisando haber sacado veintitres cargas de metal y no haber recibido la libranza correspondiente á este mes.—La Junta acordó q. se solicite una letra de trescientos pesos sobre Querétaro girada á favor del S. Cortazar, en cuyo acuerdo salvó su voto el Sor. Flores en virtud de que habiendose consultado al Gobierno si deben hacerse los pagos por el ramo de azogue entretanto no debe hacerse ninguno. Se acordó tambien que se diga al Señor Cortazar que anote en todas las memorias el num^o^. de cargas que se sacan en cada semana

y noticia del ensaye de su ley siempre que haya motivo para creer que hubiese variado.

Por ultimo se dió cuenta con un informe de la mesa de Administracion sobre los abonos mensuales hechos por el Señor Garay al comisionado en Guadalajara manifestando que con los hechos queda cubierta hasta el mes de Enero de este año y que se debe cobrar la cantidad de los ciento sesenta pesos que ha recibido el S. Blume sin otro descuento que el corriente de cambio de plaza abonándolos á la cuenta del Sor. Garay.—La Junta acordó de conformidad.—una rúbrica—otra rúbrica—otra rúbrica.

—

Sesion de 14, *de Mayo de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha. 9, acusando recibo del oficio en que se le comunicó el descubrimiento de la mina de azogue en Californias.

Segunda. Del E. S. Gobernador de S. Luis fha 9, del corriente remitiendo Certificados que acreditan haberse esplotado en las minas de Trinidad y S. Andres setenta y ocho quintales de azogue.—Que informe la mesa de fomento.

Tercero. Otro del mismo y en la misma fecha acompañando tres Certificados que acreditan la estraccion de cincuenta y tres quintales de azogue de la mina de S. Antonio en Guadalcazar y se pasó á informe de la misma mesa.

Cuarto. Del Juzgado de Sombrerete fha. 5, del corriente insertando la resolucion de la E. Asamblea de Zacatecas para que dicho Juzgado no obedezca la suprema orn. comunicada por la Junta sobre renovacion de suplentes.—Se acordó que se inserte al Ministerio dándole noticia de que en solo este departamento ha habido dicha resistencia.

Quinto. Del de Jesus Maria avisando su instalacion y contestando la circular nº. 3.—Que informe la mesa de fomento.

Sesto. Del encargado de la recaudacion en San Luis Potosí acompañando una letra de trescientos cincuenta y un pesos quince centavos por productos de mineria en el mes de Abril.—Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Setimo. Tres comunicaciones fhas 28 de Abril del encargado en Chihuahua remitiendo una letra de setecientos setenta ps. tres rs. por productos de aquella capital y de Jesus Maria en el mes de Marzo y una cta. que le pidió la Contadu-

ria.—Que se reconosca la letra se hagan los respectivos asientos se acuse el recibo y se pase la cuenta á la oficina respectiva.

Octavo. De D. Manuel Garcia del Valle acompanando la renuncia que hace de primer escribiente de esta oficina.—Se acordó que se eleve al Supº. Gobierno informandole que es de admitirse.

Noveno. De D. Ygnacio Rosso solicitando la vacante de segundo Escribiente de la misma.—Que se reserve.

Se dió cuenta con un informe de la Contaduria sobre la comunicacion del comisionado en Guanajuato fha. 4, del corriente sobre remision de documentos en el espediente del S. Robles. La Junta acordó de conformidad en todo lo que propone á escepcion de la última indicacion que hacia sobre pedir á los Señores Tesorero y Admor. de Guanajuato duplicado del Certificado de entero que hizó el S. Robles de sesenta ps. por el cuatro trimestre del préstamo para el pago de la deuda de los Estados Unidos.—una rubrica—otra rubrica—otra rubrica.

—

Sesion de 18, *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del dia 16 se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Jalisco fha 28, del pasado devolviendo informado el arancel de derechos del Juzgado de Bolaños. Y de acuerdo la Junta con dicho informe, se mandó elevar de conformidad al Supremo Gobierno.

Dos. Del de S. Luis Potosí acompañando una instancia de D. Andres Barroeta para que se le pague el premio correspondiente a quince quintales una a. quince libras seis on. de azogue esplotado del nuevo almaden y pedernal en el Durazno. —Ynforme la mesa de fomento.

Tres. De la compañia restauradora del oro quejándose de la falta de pólvora.—Que se inserte al Supremo Gobierno en recomendacion.

Cuatro. Del Comisionado en Zacatecas fha 12, del corriente acusando recibo de los documentos que se le remitieron para el cobro de la deuda al S. Llaguno.—A su espediente.

Cinco. Del de Guadalupe y Calvo avisando haber remitido las cuentas que se le piden.—Que informe la mesa de Administracion.

Seis. Del S. Juez segundo de lo civil pidiendo una noticia relativa al crédito que tiene en el fondo dotal el menor Elguea. —Que informe la contaduria.

Siete. De D. Miguel Quiñones fha 16, del presente pidi-

endo se dé orn. al S. Zamora para que le proporcione la cantidad necesaria para satisfacer al Tribunal de Tasco las costas del testimonio de los autos que señalan la parte.—Que se dé la orden.

Ocho. De D. José Zamora tres comunicaciones de fha. 16, remitiendo en la primera las memorias num. 19.—Recibo y á la contaduria. Participa en el segundo que necesita para la raya de trescientos pesos.—De enterado. Avisando en el tercero que de los mil doscientos setenta frascos para azogue que hay en aquella negociacion solo habrá uno q. otro con alguna falta y q. deben valorisarce à tres ps. cada uno por pieza pues q. estan valuados à dos calculándoles, por fierro.—Que se manifieste esta diferencia al S. Castillero y al Gobierno cuando se aprueben sus propuestas. Y remitiendo en los dos últimos el aviso de haber girado la letra nº. 21, yaliosa doscientos pesos, y la 22 de ciento cuarenta.—Que se paguen.

Se leyó una instancia del S. D. Tomas Ramon del Moral sobre que le designe la gratificacion de que debe disfrutar por los meses que sustituyó la Direccion del Colegio; y leido el dictamen que la mesa de fomento estendió en la solicitud pendiente ante el Gobº.—La Junta acordó que se inserte esta al Ministerio con copia del mensionado informe y de los artículos de la ley sobre suplencias de los individuos de la junta y de su oficina.

Se dio cuenta con los cinco informes sigtes. de la mesa de fomento.

Primero. Sobre que se manden satisfacer tres cientos noventa y cuatro ps. cuatro rs. dos y medio gs. à D. Andres Barroeta por premio de setenta y ocho qq. tres a. quince llbas. una y media onzas de azogue que acredita haber estraido de las minas de la Trinidad y S. Andres en Guadalcazar.—La Junta acordó que se suspenda la resolucion de este asunto hasta que el Gobierno resuelva.

Segundo. Sobre que se satisfagan doscientos setenta y cinco pesos por premio de cincuenta y tres quintales de azogue estraidos por D. Demetrio Toscano de la mina S. Antonio en Guadalcazar, en el que recayó el mismo acuerdo que en el anterior.

Tercero. Sobre que se pida la aprobacion suprema de la eleccion de un suplente que ha hecho el Juzgado de Temascaltepec.—La Junta acordó de conformidad.

Cuarto. Consultando se apruebe la eleccion de Presidente y su suplente hecha por el Juzgado de Bolaños y que el Gobierno supremo prevenga à los cólegas q. sirvieron el año pasado continuen haciéndolo en este.—La Junta acordó de conformidad. Y opinando en el último que se pida al Juzgado de

Jesus Maria en Chihuahua que remita la acta de su instalacion, que elija otro suplente si solo ha electo dos; que se le designe el fondo en q. conforme a lá ley deba hacer sus gastos y que se le manden los documentos y noticias que pide.—La Junta acordó de conformidad à escepcion de la remesa de un ejemplar de las ordenanzas de mineria.—una rubrica—otra rubrica—otra rúbrica.

—

Sesion de 22, *de Mayo de* 1846.

Concurrieron los SS. Segura y Bassoco y despues de aprobada la acta del dia 18, se dió cuenta con las comunicaciones siguientes:

Primero. Cinco del Ministerio de Justicia fhas. 16, 19 y 20, del corriente participando en la prim^{a}. haber admitido la renuncia que hizo de la plaza de primer escribiente de esta oficina D. Manuel Garcia del Valle.—Se acordó que se inserte al interesado: en el segundo acompaña à informe un oficio del E. S. Gobernador de Chihuahua pidiendo se le remitan ordenanzas de mineria y se apruebe la asignacion hecha al Srio. y dependientes del Juzgado de Jesus Maria.—Que informe la mesa de fomento. En el tercero avisa estar aprobada el acta de instalacion del Juzgado de Hidalgo del Parral. En el cuarto la de suplente del de Temascaltepec y avisando en el último haberse insertado al Ministerio de Hacienda la solicitud de la compañia restauradora del Mineral del oro sobre escasez de pólvora.

Dos. Del Juzgado de ojo Caliente acompañando el acta de renovacion de un suplente.—Ynforme la mesa de fomento.

Tres. Del de Guanajuato contestando al informe de la Contaduria relativo à la cuenta de Clavellinas.—Que informe dicha oficina.

Cuatro. Del Presidente del Juzgado de Mazatlan fha 5, del corriente haciendo dimision de su empleo.—Que se eleve con apoyo al Gob^{o}.

Cinco. De la Junta mercantil de fomento de esta Capital remitiendo cinco ejemplares de la balanza del año pasado.—Que se le den espresivas gracias.

Seis. Del E. S. D. Demetrio Montesdeoca participando que D. Pedro Anda, de suficientes conocimientos é intachable honradez se ofrece à reconocer la mina de Clavellinas por la gratificacion de doscientos pesos.—Que proceda à la visita y libre contra la Junta dha cantidad el S. Montesdeoca.

Siete. De la vista gral. de oficinas del Departam^{to}. de Michoacan sobre haber pedido las cuentas al Admor. suspenso de

aquella Aduana y que hará se concluyan à la mayor brevedad. —A su espediente.

Ocho del comisionado en Guadalajara remitiendo una letra de ochocientos treinta y siete ps. un rl. tres y medio granos por los productos del derecho de mineria pertenecientes al mes de Abril.—Que se reconosca la letra se hagan los respectivos asientos, se acuse recibo y se de orn. para cobrar los cientos sesenta pesos del S. Garay.

Nueve otro del mismo fha 15, avisando haber recibido ciento sesenta ps. del S. Garay por abonos de los meses de Fbro. à Mayo.

Diez. Del de Durango remitiendo una letra por valor de mil treinta y ocho pesos siete y medio gs. productos de mineria del mes de Abril y la cuenta por menorizada del año anterior. —Que se reconozca la letra, se hagan los asientos correspondientes, se pasen los documentos à la Contaduria y se acuse el recibo.

Once. Del de Culiacan fha 1°. de Mayo, remitiendo una letra de seiscientos cinco ps. dos rs. por productos de Cosalá en Marzo.—Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Doce. Otro del mismo y de la propria fecha acompañando una letra de ciento tres ps. siete rs. seis octavos por productos desde el dia 20 del pasado hasta 30 del mismo en el nuevo Ensaye de Culiacán y las cuentas ultimamente pedidas.—Que se reconosca la letra, se cobre, se hagan los correspondientes asiento y se acuse recibo.

Trece. De D. Manuel Mariano Cortazar fha 17 del corriente en Querétaro acusando recibo de los trescientos pesos que se le remitieron ultimamente y pidiendo se le facilite la cantidad necesaria para tomar posesion de la mina de Providencia.—Se acordó que con la ultima orn. de suspension de pagos apenas podrá remitir los trescientos pesos mensuales de su compromiso de amparo y que informe la mesa sobre las memorias que ha remitido.

Se leyeron por último dos solicitudes para la plaza de segundo escribiente de la oficina, q. hacen D. Joaquin Urrutia y D. José Garcia de Arana.—Se acordó que se reserven.—una rubrica—otra rubrica—otra rúbrica.

—

Sesion de 25, *de Mayo de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 22 se dio cuentas con las comunicaciones siguientes:

Primero. Del encargado de la recaudacion en Guanajuato f ha 22 del corriente acompañando la relacion de las platas ensayadas en el primer tercio de este año, sus barreajes y la cuenta general de los derechos.—Se acordó que se pasen à la Contaduria.

Dos. Del de Zacatecas f ha 19, ajuntando la cuenta general de Zacatecas y Sombrerete y se le dio el mismo trámite.

Tres. Del mismo f ha. 18 adjuntando una libranza de ciento siete ps. dos rs. cinco octavos por derechos colectados en Sombrerete en Abril.—Que se reconosca y cobre la letra, se hagan los respectivos asientos y se acuse el recibo.

Cuatro. Del Admor. de la Aduana marìtima de S. Blas avisando haber girado á favor de la Junta una libranza importante setenta y cinco ps. ochenta y seis centavos por la mitad del derecho de averia.—Se acordó que el Tesorero ocurra por ella à la general.

Cinco. Cuatro comunicaciones de D. José Zamora f ha 23, avisando en la primera que necesita de doce almadanetas.—Que se compren.—Remitiendo en la segunda las memorias numeros 20.—Recibo y à la Contaduria y avisando en las otras dos haber girado la letra n°. 23, valiosa cien ps. y la 24 que importa doscientos.—Que se paguen.

Seis. Un oficio del E. S. Ministro de Justicia f ha 25, aprobando las propuestas de D. Andres Castillero que elevó la junta al supremo Gobierno y avisando que habia pasado al Ministerio de la Gobernacion la solicitud de dos citios de ganado mayor como Colono sobre su propiedad mineria. La Junta acordó que se procediese en el acto à estender el convenio judicial correspondiente y que se solicitase la letra de los cinco mil pesos sobre Mazatlan ó Guadalajara en lo que convino el S. Castillero, y últimamente que por el correo del miercoles se den las orns. correspondientes à Tasco para que entregue el Admor. à la orn. del S. D. Tomas Ramon del Moral todos los frascos para azogue que se hallen en buen uso en aquellos almacenes, los que abonará à su cuenta à razon de dos pesos cada uno.—una rubrica—otra rúbrica—otra rubrica.

—

Sesion de 26, *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Rozas y despues de aprobada la acta del 25, se dió cuenta con un informe de la contaduria manifestando que la escritura cuya f ha. desea saber el Sor. Macedo fue otorgada ante el escribano D. Fernando Tamayo en 20 de Abril de 1807.—La Junta acordó que se participe al Juzgado.

Se leyeron otros tres informes de la mesa de Administracion 1°. sobre la nota de 28 del pasado de Don Enrique Mackintosh opinando que debe esperarse à que envie el barreaje que se le tiene pedido.

Dos. Que se repita al S. Olascuaga fiador de los abonos del S. Lebrija un recuerdo sobre los cincuenta pesos del mes de Setiembre prócsimo que no ha remitido y por último que se recuerde tambien al S. D. Diego Moreno remita el importe de las perlas del S. Garay que se le dieron para su venta ó las devuelva por medio de persona de su confianza.—La Junta acordó de conformidad.—(sin rúbricas.

—

Sesion de 27, *de Mayo de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 26, se leyó un oficio del E. S. Gobernador de Michoacan participando que habia dado orn. al suspenso Admor. de rentas para que dentro de quince dias presente sus cuentas pendientes y entere las cantidades que resta y que avisará del resultado.—A su espediente.

Se leyeron tres informes de la mesa de fomento 1°. Consultando se pida la aprobacion suprema de la eleccion de un suplente del Juzgado de Ojo caliente con arreglo à la circular última de la materia y la junta acordó de conformidad.

Dos. Sobre la consulta del Gobierno relativa á una comunicacion del E. S. Gobernador de Chihuahua pidiendo ordenanzas y que se apruebe la asignacion de treinta ps. mensuales hecha al Srio del de Jesus Maria. La mesa opina q. se consulte al Gobierno, que no teniendo ordenanzas la Junta pueden comprarlas en Zacatecas donde se venden à veinte rs y respecto al sueldo que se diga estar derogado el decreto que la estableció dejando solo derechos de arancel—La Junta acordó de conformidad.

Tres. Sobre la última comunicacion de Don Manuel Mariano Cortazar y el inventario q. acompaña de la mina de Atargea. La mesa opina q. se pase à informe à la contaduriá y asi se acordó.—dos rúbricas.

—

Sesion de 28, *de Mayo de* 1846.

Concurrieron los SS. Segura y Rozas y aprobada la acta del 27, se dió cuenta con las cuatro comunicaciones que siguen:

Primera del Ministerio de Justicia fha de ayer incertando la del Ministerio de hacienda de la misma fha. en que manifiesta

que intimado el bloqueo à Puertos de Veracruz y Tampico no es de esperarse q. continue el curso de las libranzas de aquellas Aduanas, por lo que el Gobierno ha dispuesto que la Junta reserve sus ecisistencias para los gastos que le son propios y los del Colegio suspendiendo por ahora todo pago para la esplotacion de azogue.—La Junta acordó que informe la mesa de fomento.

Dos. Del comisionado en S. Luis Potosi acompañando la cuenta y nota de barreaje de la plata ensayada en el mes pasado.—A la contaduria.

Tres. De D. Eugenio Bermejillo participando haber recabado del E. S. Gobernador de Michoacán la orn. para que el Admor. suspenso de aquellas rentas presente su cuenta dentro de quince dias, pasados los cuales se encargará un empleado de hacerlas a espensas del mismo.—A su espediente.

Cuatro. De los SS. Manning y Mackintosh f ha 27, manifestando que la firma del S. Garcia Granados es tan solo la de un apoderado del Señor Stahlhuecht.—A su espediente.—dos rúbricas.

—

Sesion de 29, de Mayo de 1846.

Concurrieron los SS. Segura, Flores y Rozas y despues de aprobada la acta del dia 28 se dió cuenta con una comunicacion del E. S. D. Fran^{co}. Fagoaga contestando al último oficio que se le puso sobre el crédito de ocho mil pesos que tiene impuestos en la hacienda de S. Sebastian.—La Junta acordó que se reserve acompañandose al espediente para cuando haya tomado algunos informes el Sor. Rozas.

Se leyó un informe de la mesa de fomento sobre la comunicacion del Gobierno relativa à la suspension de pagos del fondo de azogue. La mesa consulta prim^{o}. que se incerte dicha comunicacion al E. S. Gobernador de S. Luis Potosi con respecto al pago de los premios de azogue que habia acordado se pagasen por dos mil pesos à D. Timoteo Toscano por dos cientos sesenta y cinco à D. Demetrio Toscano y cuatro cientos setenta y uno cuatro rs. ocho y medio granos à D. Andres Barroeta por los premios del azogue nacional que han estraido à razon de cinco ps. quintal y que si no se satisfiso la prim^{a}. cantidad à D. Timoteo Toscano fué por que no se presentó oportunamente y à los demas por haber venido cuando estaba yá comunicada la orn. de suspension.

Segundo que se comunique la misma orn. a D. Manuel Mariano Cortazar manifestándole que si puede beneficiar algunas ecsistencias de azogue lo verifique para cubrir el amparo.

Tercero. Que se incerte igualmente al E. S. D. Demetrio

Montesdeoca con el objeto de que se sirva mandar suspender la visita de la mina de Clavellinas p°. que si en virtud de lo anteriormente acordado hubiese hecho algun gasto se le satisfará inmediatamente.

En virtud de haber admitido el Supremo Gobierno la renuncia que hizo D. Manuel Garcia del Valle de la plaza de primer escribiente de la Sria y q. admitió el supremo Gobierno, la Junta acordó se manifestase al Ministerio del ramo que conforme à la ley tocaba el ascenso al escribiente segundo de la misma D. Manuel Couto p°. ponerlo en posesion si el Gobierno está de acuerdo.

Se acordó tambien de acuerdo con lo informado por la contaduria el pago de veintecinco ps. al escribano Calapiz por lo actuado en la escritura de convenio q. se habia tenido con D. Andres Castillero para ausiliar su empresa de azogues de la mina de Sta. Clara en la alta Calofornia, comprendido en el oficio de suspension de todo pago de este ramo.—dos rúbricas.

—

Sesion de 30, *de Mayo de* 1846.

Concurrieron los SS. Segura, Flores y Rozas y despues de aprobada la acta del dia 29, se dió cuenta con una comunicacion del Ministerio de Hacienda f ha 28 en que pide informe sobre si están disponibles los dos mil ciento veinticinco pesos diez y medio gs. pertenecientes al fondo de la nueva carcel de Guadalajara, la Junta acordó que se le conteste inmediatamente haciéndole una breve reseña del origen de este fondo pertenecientes al de azogue y que se le indique que estando pendiente el asunto en el consejo, la junta puso en deposito iregular en una casa fuerte de comercio dicha suma con la condicion de que seria debuelta en Guadalajara en la misma moneda en que hubiese sido recibida al mes de que se le participase la devolucion y ofreciendo ampliar el informe si asi lo creyese conveniente el ministerio.

La Sria. manifestó que el Sor. D. Tomas Ramon del Moral esponia à la Junta que retiraba la solicitud que tenia presentada sobre asignacion de sueldo ó gratificacion por el tiempo q. sustituyó la Direccion del colegio en el año pasado.

El S. D. Joaquin Velazquez à nombre del E. S. Director del Colegio manifestó q. necesitando en Londres de la cantidad de mil pesos, y sabiendo que la Junta tenia algun dinero en la casa de los SS. Baring Herm. le suplicaba se mandan se abonar à dicha casa por valor de setenta y dos libras esterlinas siete chelines seis peniques por cuenta de algunos objetos encargados por el colegio à dichos Señores y que girase una libranza à

favor del mismo Señor Velasquez por valor de ciento once libras nueve chelines siete peniques para el completo de mil ps. con el cambio actual de cuarenta y cuatro un octavo. La Junta acordó se diese la orn. y se girase dicha libranza por cuenta de las dos letras de à quinientas libras cada una que giraron contra aquella casa los SS. Mannig y Mackintosh en 30 de Novᵉ. del año pasado.—dos rúbricas.

—

Mes de Junio de 1846.

Sesion del dia 1°.

Concurrieron los SS. Segura y Rozas. Leida y aprobada la acta del dia 30 del pasado se dio cuenta con las cuatro comunicaciones siguientes del Ministerio de Justicia:

Primera. Fha 29, admitiendo la renuncia q. hace de la presidencia del Juzgado de Mazapil el Señor Espino.—Se acordo que se inserte al Juzgado.

Dos. De 28 del mismo participando haber aprobado el arancel de Bolaños.—Que se inserte al Juzgado.

Tres. De la misma fha aprobando la eleccion hecha en el S. D. Agustin Romo para suplente del Juzgado de Ojo caliente.—Que se inserte al Juzgado.

Cuatro. Fha 30, participando estar de acuerdo el suprema Gobierno en la promocion pʳ. escala de D. Manuel Couto para primer escribiente de la Sria.—La Junta acordó q. se ponga en posesion desde la fha del oficio.

Se leyó otro oficio del Juzᵉ. minero de Catorce acompañando la acta de las elecciones de su presidente y un consultor.—Se acordó q informe la mesa de fomento.—Otro del S. D. Cástulo Barreda pidiendo ochenta ps. por cuenta de sus honorarios.—Que remita el recibo y la cuenta q. se le tiene pedida.

Tres de D. Jose Zamora fha 30 del pasado remitiendo con el primᵉ. las memorias num. 21.—Que se acuse el recibo y se pasen á la contaduria.

Dos participando que las leyes de los metales de Trinidad y socabon han llegado à cuarenta y cuarenta y cinco marcos: que la saca en la semana llegará á cuarenta cargas y que ha dado principio à la obra nueva que sigue con buen écsito. De enterado; y avisando en el último haber girado una letra bajo el nᵉ. 29, valiosa cuatrocientos cincuenta ps. à favor de D. Jose Mariano Zárate.—Que se pague—una rubrica.

Sesion del 3, de Junio de 1846.

Concurrieron los SS. Segura y Rozas y despues de aprobada la acta del dia 1°. se leyó una comunicacion del Ministerio de Hacienda f ha 31 del pasado en que à virtud de la cesion que ha hecho la H. Asamblea Departamental de Jalisco para las atenciones de la campaña, de los veinte mil ciento veinticinco pesos diez y medio granos que tiene en depósito la Junta por el fondo de azogues, previene se gire una letra à favor de los Ministros de la Tesoreria general por dha suma. La Junta acordó se le conteste que está pronta à girar dha libza. pero que se encuentra en el deber de manifestarles, q. por el Ministerio de Justicia se ha girado un espediente con motivo de las reclamaciones hechas por el E. S. Gobernador de aquel Departamento sobre esta cantidad: el supremo Gobierno lo pasó en consulta à su Gobierno y que este espuso que la resolucion era del resorte del poder legislativo, lo que se comunicó à dicha Gobierno por lo que la Junta no sabe como pueda asegurar que es suya la cantidad de que se trata, por lo que para salvar su responsabilidad espera se sirva indicarles si ha de girar la libranza en los términos indicados ó en los que paresca mas conveniente al supremo Gobierno.

Se acordo tambien que se diga al Ministerio de Justicia la anterior resolubion comunicada por el de Hacienda como informe à la ultima solicitud del Gobierno de Jalisco que le pasó à informe en Marzo prócsimo pasado.

Se leyó otro oficio del Juzgado de Anganguco remitiendo el acta de la renovacion de su presidente.—Que informe la mesa de fomento.

Se dio cuenta por último con un informe de la misma mesa consultando que se eleve à la aprobacion suprema la acta de renovacion de su Presidente y un consultos, q. remitió el Juzgado de Catorce y se acordó de conformidad.—una rubrica.

—

Sesion del dia 4 de Junio de 1846.

Concurrieron los SS. Segura Flores y Rosas y despues de aprobada la acta del dia 3, se dio cuenta con comunicacion del Ministerio de Justicia f ha 2 del corriente en que inserta un oficio del de Haciendo participando que la Direccion gral del Tabaco ha preveindo se remitan veintiseis cajas de pólvora para que se provea de la que necesita la Admon subalterna de Tulaneingo que es la que debe surtir à Pachuca—La Junta acordó que se inserte al Juzgado de Pachuca.—S. Segura—una rúbrica.

Sesion de 6 de Junio de 1846.

Concurrieron los SS. Segura, Flores y Rozas, y despues de aprobada la acta del dia 4, se leyó un oficio del Ensayador mayor acompañando ochocientos noventa y seis pesos dos rs. nueve gs. resta liquido de lo que ha cobrado por el derecho de mineria en el mes anterior, 6 incluyendo veintidos pesos siete rs. nueve gs. pertenecientes á D. Manuel Lebrija.—Recibo y á la Tesoreria.

En seguida se dio cuenta con los informes sig^{tes}.:

Primero. De la contaduria sobre la cuenta remitida por el Tribunal de Guanajuato en 18 del pasado y la Junta acordó que se inserte á dicho Tribunal.

Dos. De la misma sobre los inventarios compasados de las ecsistencias q. tenia y q. hoy tiene la mina de Azogue de Atargea, contraido á que se pidan esplicaciones sobre dichas diferencias al Juzgado de Guanajuato.—La Junta acordó de conformidad.

Tres. De la mesa de fomento consultando se eleve á la suprema aprobacion el acta de la eleccion de Presidente y un consultor de Anganguco verificadas en 20 de Abril y se acordo de conformidad.

Se leyó por ultimo la cuenta que presentó la Tesoreria de la recaudado por las viviendas del Colegio en el mes de Mayo y se mandó pasar á la Contaduria—dos rúbricas.

—

Sesion de 8 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 6, se dio cta. con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia f ha 6 insertando un oficio del E. S. Ministro de Hacda. en que comunica la orn. suprema para q. se gire á favor de los ministros de la Tesoreria gral los veinte mil ciento veinticinco pesos diez y medio gs. que tiene en depósito del fondo de azogue perteneciente á Jalisco en la casa del S. D. Ancelmo Zurutuza bajo el concepto de que queda á salvo el derecho de quien tenga accion legal á dicha suma.—La Junta acordó que se estienda y remita la letra recojiéndose por la Tesoreria de la junta el correspondiente Certificado de entero: que se avise al S. Adone entregue dicha suma avisando el dia que lo verifique para liquidar la cuenta réditos y por último que se avise al Ministerio quedar cumplida la orn. suprema.

Dos. Del encargado de la recaudacion de Guanajuato acompañando una letra valiosa cuatro mil setecientos treinta y cuatro ps. dos rs. siete granos producto líquido del derecho de mineria en el mes de Mayo.—Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Tres. Del de Pachuca remitiendo una letra de mil cuarenta y seis ps. un rl. cuatro gs. por productos de dho mes y se dió el mismo acuerdo q. el anterior.

Cuatro. Del de Hermosillo acompañando una Libranza valiosa quinientos cincuenta y ocho ps. noventa y ocho centavos por producto líquido del derecho de mineria de 1°. de Set°. á fin de Diciembre del año pasado con mas un Certificado y cuenta de dho tercio.—Que se reconosca la letra, se hagan los debidos asientos, se pasen los documentos á la Contaduria y se acuse el recibo.

Cinco. Del de Sinaloa f ha 16 de Mayo ajuntanda libranza por valor de seiscientos sesenta y nueve pesos siete rs. seis gs. producto líquido del mismo derecho en Cosalá perteneciente al mes de Abril.—Que reconosca la letra, se hagan los asientos debidos y se acuse el recibo.

Seis. Del mismo f ha 9, de Mayo acompanando otra valiosa trescientos cuarenta y nueve ps. seis rs. dos octavos producto liquido del mencionado derecho en todo el mes de Abril y se dió el mismo acuerdo.

Siete. Del mismo y de la propia f ha acompañando Libra por valor de sesenta y cinco pesos correspondientes á los derechos cobrados en Mazatlan por el mes de Abril.—Se acordó que se reconosca y sobre la letra: se hagan los debidos asientos y se acuse recibo.

Ocho. Otra de D. Miguel Quiñonez f ha 6, acompañando un pliego cerrado p°. el Lic. D. Cástulo Barreda quien informará á la Junta de las últimas actuaciones en el negocio sobre el sacabon de S. Juan.

Y por ultimo tres oficios de D. T. Zamora f ha 6, acompañando al 1°. las memorias num. 22, los estados n°. 5 y el corte de caja del mes pasado.—Recibo y á la Contaduria. Participando en el segundo que va á comenzar los trabajos beneficio para lo que necesita de seis qq. azogue: que las leyes siguen en buen estado y las labores lo mismo especialmente hacia el rumbo del Socabon de S. Juan para penetras á cuyas labores últimas, calcula se necesitará un gasto de cincuenta pesos.—La Junta acordó que se informe lo Tesoreria del precio del azogue y que asi se diga al S. Zamora, agregándole q. inmediatamente proceda á las medidas subterraneas de que habla y por ultimo remitiendo una Libranza valiosa doscientos cincuenta ps. contra D. Jorge Rafard.—Que se pague.—dos rúbricas.

Sesion del 12 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 8, se dio cuenta con las comunicaciones siguientes:

Primera. Del Juzg°. minero de Nieves acompañando el acta de su instalacion.—Que informe la mesa de fomento.

Dos. Tres oficios f ha 25, de Mayo del encargado de la recaudacion de Chihuahua acompañando un Certificado y una libranza de trescientos treinta y un pesos cinco rs. tres gs. por los productos de Chihuahua y Jesus M°. por el mes de Abril —Que se reconosca la letra se hagan los correspond°s. asientos y acuse el recibo.

Tres. De D. Diego Moreno f ha 8 de Mayo en la haciendo de la Guaracha contestando al oficio que se le dirijió en 17 de Nov°. dicienda que entregó el hilo de perlas pertenecientes al S. Garay á D. Elenterio Mendez quien tuvo la desgracia de perderlo en el camino y que contestacion del oficio de 4 de Abril último añade que el mismo Mlendez se presentará á dar sus descargos y D. José Antonio Nieto contestará por el interesado D. José Garay.—La Junta la pasó á informe de la mesa de Admon.

Finalmente se leyó una comunicacion de D. Castulo Barreda acompañando una carta de D. Miguel Quiñones sobre el giro de las actuaciones pendientes en el negocio del denuncio de la mina del Socabon de S. Juan pidiendo se abonen al S. Zamora cincuenta ps. para limpiar el camino á las últimas labores de la mina Trinidad mas cercanas al Socabon. Estando ya acordado y comunicado este punto por el correo del miercoles la junta se limitó al segundo punto relativos á que se le remitan en copia p°. la prueba testimonio de la posesion de la mina Trinidad que se recibo en 1807, otra en 816 y la última en 819.

Se acordó igualmente acceder á la solicitud de D. Manuel Couto primer escribiente de esta oficina concediéndole licencia por un mes p°. asuntos personales bajo el concepto de que si el recargo de la oficina fuese tal que entretanto ecigiese poner otro escribiente se pagará en la parte que le toque de su sueldo sin que en manera alguna se grave el fondo.—Dos rúbricas.

—

Sesion del 13 *de Junio de* 1846.

Concurrieron los SS. Segura, Flores y Rozas y despues de aprobada la acta del dia 12, el Tesorero devolvió el oficio de 14 de Mayo del Admor. de la Aduana de S. Blas en que avisaba haber remitido una libranza por valor de setenta y cinco

pesos ochenta y seis centavos por cuenta del derecho de averia de la que habia dispuesto el Supremo Gob°.—A la contaduria.

La mesa de Admon. presentó por via de informe el recibo dado por D. Diego Moreno de las perlas pertenecientes al S. Gonzales y se acordó q. se remita copia al S. Moreno de dicho recibo para que en su vista se sirva decir cuando puede la Junta ocurrir por los quinientos pesos pues que nada tiene que ver con el Sor. Mendez en virtud del espresado documento.

Se dio cuenta con un informe de la mesa de fomento consultando pase á la aprobacion suprema el acta de renovacion del presidente del Juzg°. de Nieves y se acordó de conformidad.

El oficial 1°. presentó un mapa topografico hecho por D. Miguel Arriaga con sus correspondientes medidas en el año de 1822 de las labores de la mina Trinidad y se acordó que se manifieste al S. Lic. Barreda insistiendo en que cuanto antes se verifiquen las medidas y reconocimiento de las labores contiguas á la mina de S. Juan.—Dos rúbricas.

—

Sesion del 15 *de Junio de* 1846.

Concurrieron los SS. Flores y Rozas y despues de aprobada la acta del dia 13 se dio cuenta con las comunicaciones siguientes:

Primero. Del Tribunal minera de Guanajuato fha 9, del corrte acompañando el denuncio q. ha hecho D. Julio Arreguin à la mina de Guadalupe en Clavellinas situada en la ladera del cerro del capulin jurisdiccion de S. Felipe à virtud de hallarse abandonada hace mas de un año.—La Junta acordó que se inserte al suprema Gobierno consultandole si en virtud de la orn. de suspension de pagos consentirá en perder la propiedad de dha mina à sostendrá su posesion.

Dos. Otro oficio fha 9, del corriente en Zacatecas por el comisionado de la recaudacion acompañando una letra de cinco mil novicientos sesenta pesos y un recibo de veinticinco pesos pagados al alumno Ayala por productos del mes de Mayo y un certificado del barreage del último tercio.—Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. Del de Durango acompañando otra letra de seiscientos cincuenta y ocho ps. ocho granos por productos del mismo mes y recayó el mismo acuerdo que al anterior.

Cuatro. Del de Zimapan con una Libranza de trescientos cuarenta y ocho ps. dos rs. seis y medio granos productos pertenecientes al mismo mes, y se acordó del mismo modo.

Cinco. Cuatro oficios de D. Jose Zamora remitiendo con el

primero las memorias num. 23 de la negociacion de Tasco.—Recibo y à la Contaduria. Avisando en el segundo haber puesto en el Chorrillo un ayudante el azoguero con sueldo de tres ps. semanarios para que cuide la galera en las aumencias de éste en todo el tiempo que se hace el beneficio de la plata, y por ultimo que necesita de trescientos pesos para la raya de la presente semana.—Se aprobó el gasto y que se conteste de enterado, y avisando en los dos últimos haber girado la libranza nº. 27, por valor de doscientos cincuenta pesos y la 28, valiosa 80 pesos.—Que se paguen.—Dos rúbricas.

—

Sesion del 16 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 15, se dio cta. con un oficio de D. José Zamora fha 8, del corriente avisando que con el arriero Fis pueden remitírsele las almadanetas que habia pedido—Que se le manden y se satisfaga su importe.

Se leyeron dos informes de la contaduria. Primero sobre no haberse recibido la libranza que mandó á la Tesoreria general el Admor. de la Aduana de S. Blas consultando que se haga lo acordado en caso semejante en el mes pasado—La junta acordó de conformidad y por consecuencia que se agregue el oficio à su espediente y se conteste lo acaecido al Admor. de S. Blas.

El segundo dictamen consulta se cobren al S. Monterde quinientos dos pesos cinco rs. once granos que sale restando de la recaudacion del fondo de mineria hecho en Chihuahua.—La Junta acordó de conformidad.

Habiendo manifestado el Tesorero el día de ayer que habia ocurrido repetidas veces á la casa de los SS. Cecillon y Bernede para el cobro de la parte cumplida de varias letras valiosas ochocientos setenta y siete pesos veintiun centavos procedentes de la Aduana de Veracruz y Tampico, por derechos del tres por ciento, no pudo lograr la aceptanon ni el pago, bajo varios protestos y que sabiendo que se hallaban presentados en quiebra dhos Señores, al Tribunal mercantil, la Junta resolviera lo conveniente. Esta acordó que se protestaran las letras y se remitieron a la Tesoreria avisandole al supremo Gobº. para que por ello se cobren como deuda privílegiada.—Dos rúbricas.

—

Sesion del 19, *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de

aprobada la acta del 16, se dio cuenta con los siguientes oficios:

Dos oficios del Ministerio de Justicia fha 18 del corrte. Aprobando en el prim°. el gasto de trescientos cuarenta y cuatro pesos cuya autorizacion se le pidió para los reparos y composturas que hay necesidad de hacer en el edificio, lo q. se acordó poner en conocim^to. de la Contaduria y aprobando en el segundo la acta de renovacion del Presidente del Juzgado minero de Nieves el que se mandó insertar al Jusg°. respectivo.

Otro oficio del S. Gral. D. Mariano Monterde contestando á las observaciones que le hace la Contaduria y se acordó que se sirva asercarse á dicha oficina p^a. cerziorarse de la esactitud con que se ha practicado la liquidacion de que se trata.—Dos rúbricas.

—

Sesion del 22 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas: leida y aprobada la acta del 19, se dió cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha 17, del corriente pasando à informe de la Junta la consulta del E. S. Gobernador de Chihuahua sobre fondos p^a. los Juzgados mineros. Que informe la mesa de fomento.

Dos. Del S. Consultor D. José Delmote remitiendo veintinueve pesos medio rs. correspondientes á la contribucion de sueldos de los últimos tercios del año pasado. Que se acuse el recibo.

Tres. Del comisionado en S. Luis Potosi acompañando una letra de dos mil trescientos ochenta y seis pesos noventa y cinco centavos por productos del derecho de mineria en el mes de Mayo. Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Cuatro. Del encargado de Guadalajara acompañando otra letra de setecientos veintitres pesos dos rs. tres gs. por los mismos derechos y en el propio mes y se dió el mismo acuerdo que el anterior.

Cinco. Otra del mismo fha 5, del corriente manifestando que siempre ha sido costumbre en aquella capital que solo Certifique los derechos de platas el Director de lo casa de Moneda. A la contaduria p^a. q. informe.

Seis. Tres de D. José Zamora fha 20, acompanando al primero las memorias num. 24.—Recibo à la Contaduria: avisando en el segundo haber girado una libranza de doscientos noventa y cinco ps. dos rs. seis gs. á favor de los SS. Sobrino her-

manos.—Que se pague: y participando en el último que la saca de metal vá en aumento pues que pasará en esta semana de setenta cargas: que la limpia y compostura del camino p^{a}. las labores del rumbo del socabon estaban terminadas: que en la compostura del labadero se habian encontrado mas de treinta libras de azogue y que para activar el beneficio necesita de seis bestras y seis quintales de azogue.—La Junta acordó q. se le conteste puede enviar por el azogue cuando quiera y comprar las seis bestias si lo juzga necesario.—dos rúbricas.

—

Sesion del 23 *de Junio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de leida la acta del dia 22 se dio cuenta con tres informes de la contaduria. Primero sobre que se reclamen cuatro rs. diez granos que quedó debiendo Don José Cordero. La Junta acordó de conformidad.

Segundo. Reclamando igualmente à Don Fernando Pohls tres ps. seis rs. ocho granos q. resulta debiendo por la recaudacion de Chihuahua hasta fin de Diciembre del año pasado. La Junta acordó igualmente de conformidad y ultimamente con respecto à una comunicacion del S. Blumet de Guadalajara opinando opinando se conteste de enterado à la noticia de que en aquella ciudad la Direccion de la casa de moneda hace las veces de Admon. y se acordó tambien de conformidad.

Finalmente se leyó un informe de la mesa de fomento sobre la consulta que le para el Gobierno relativa à fondos para los gastos de los Juzgados habilitacion de local y entregados de los archivos de las antiguas Diputaciones de Mineria. La mesa opina se conteste que los fondos no son otros que los derechos de arancel: que los gobiernos Departamentales pueden proporcionarles Salones para su despacho en los edificios públicos à donde los haya y q. por ultimo pueden mandarse los archivos de las antiguas diputaciones à los Juzgados que las han succedido conforme à la ley en lo que convino la junta.—dos rúbricas.

—

Sesion del 30 *de Junio de* 1846.

Concurrieron los S. S. Segura Flores y Rozas y despues de aprobada la acta del dia 23 se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha 27 pasando à informe la solictud de D. Juan Sutherlan sobre q. se libre ecsitativa

de Justicia al Tribunal de mineria de Tasco para que no le corra el término que le fijó para comenzar el desagüe de la mina de S. Mateo del Monte. La junta acordó que se devuelva la instancia consultando al supremo Gobierno ser de accederse à ella por q. estando impedido Sutherlan para introducir la máquina de vapor en razon de hallarse bloqueados nuestros puertos, es claro que al impedido no le corre término.

Dos. De la Direccion de Yndustria fha 27 remitiendo tres libranzas protestadas con sus respectivos documentos para que se devuelvan à las Aduanas de su origen à fin de que las repongan.—La Junta acordo q. acompañadas de las que se hallan en igual caso de su pertenencia se devuelvan con el mismo objeto las de Veracruz à aquella Aduana maritima y las de Tampico à la Tesoreria gral acusandose el recibo à la Direccion gral y avisándole no haberse remitido por el correo del Sábado por la hora avansada en que se recibieron en esta oficina ese mismo dia.

Tres. Del Juzgado de Mazapil fha 16, manifestando la triste situacion en que se hallan los mineros de aquel Distrito.—Que informe la mesa de fomento.

Cuatro. Del de Temascaltepec fha 23, quejándose del Juez de Paz de aquel partido de que contra las ordenanzas ha impedido à los mineros el libre uso de los terrenos y pastos que conforme à ellas deben poseer. Que informe la mesa de fomento.

Cinco. Cuatro comunicaciones de D. José Zamora fha 27 remitiendo con la prim^{a}. las memorias n°. 29 de aquella negociacion.—Recibo y à la contaduria. Avisando en la segunda q. se han labado en la semana los trecientos doce quintales que se hallaban en beneficio, habiéndose incorporado otros trescientos diez y ocho de Yxtajal y que p^{a}. la raya necesita de trescientos pesos.—De enterado. Y avisando en los dos últimos haber girado las letras n°. 30, valiosa de trescientos ochenta y cuatro ps y 31, por valor de ciento.—Que se paguen.

Presentada la nómina de los sueldos, la junta acordó se pagasen sin rebajo de la cuarta parte por no estar comprendidos en la circular del ministerio de Hacienda que previno dho descuento à las oficinas que se pagan de la Hacienda pública por las diversas razones que se espusieron, siendo entre otras una de ellas la de no haberse sujetado al descuento otras oficinas que se encuentran en el caso de la de la Junta. La segunda que esta medida se dictó p^{a}. disminuir las erogaciones que el erario tiene que hacer cuando sus fondos se hallan tan exanstos en razon de la guerra con los Estados Unidos, cuya razon no milita respecto de los sueldos de la Junta pues que su importe no tiene que salir de su Tesoreria. No lo perteneciente al fondo dotal por ser un fondo particular independiente en lo absoluto

del erario público: no tampoco el de azoguez por q. habiéndose suspendido en pago por ahora en razon de las circunstancias politicas el supremo Gobierno ha prevenido se reserven las ecistencias para el pago de los gastos del colegio y los sueldos de la oficina. Dos rúbricas.

—

Mes de Julio de 1846.

Sesion del dia 3.

Concurrieron los SS. Segura Flores y Rozas y leida y aprobada la acta del dia 30, se leyeron las comunicaciones siguientes:

Primero. De los SS. Ministros de la Tesoreria gral acusando recibo de las libranzas de la Aduana de Tampico que se les remitieron protestadas por las casas de los SS. Cecillon y Bernedé y Serment y Comp^{a}. p^{a}. en reposicion y devolviendo las num. 117, 122 y 132 valiosas cincuenta pesos sesenta y cuatro centavos por que estando concluidos los plazos dicen no ser de la responsabilidad de aquella Ademas. La junta acordó que se vuelvan à remitir por que no estando cumplido el tercer plazo la Aduana es responsable de la tercera parte de dicha cantidad y con respecto à las otras dos como aquello oficina tiene los privilegios del fisco puede hacer efectivo el cobro en ambos concurros, lo que no logrará por si sola la junta.

Dos. Del Juzgado minero de Mazapil f'ha 23, del pasado en que avisa D. Rafael Espino haber entregado el Juzgado al 1er. Cólega Don Antonio Porto. De enterado.

Tres. Del mismo Tribunal en que avisa al citado primer cólega quedar encargado de la Presidencia. De enterado en atencion à no haber suplentes.

Se leyó un dictamen de la mesa de fomento sobre la comunicacion del mismo Juzgado de 16, de Junio, escusándose de la eleccion de suplentes por la falta de mineros aptos para desempeñar estos encargos. La mesa opinaba por que antes de todo se proceda à la eleccion de Presidente en razon de habérsele admitido su renuncia al S. Espino p^{o}. vista de las comunicaciones anteriores opinó que se le conteste proceda desde luego al nombramiento de un presidente propietario y de un suplente conforme à la circular n°. 3, de este año y asi se acordó.

Se leyó otra dictamen de la misma mesa relativa à la queja que presenta el Juzg^{o}. de Temascaltepec contra el Juez de paz de aquel partido. La mesa opina que se inserte al E. S. Gobernador del Departamento p^{a}. que prevenga à aquella autoridad política el cumplim^{to}. de las ordenanzas con respecto à po-

treros y à aguajes para los mineros.—Y se acordó de conformidad.

El S. Flores promovió y la junta acordó q. se pido al Gobierno la autorizacion conveniente p^{a}. pagar de ambos fondos un escribiente con doce rs. diarios q. ausilie los trabajos de la contaduria mientras se restablece de sus enfermedades D. José Fran^{co}. Bonilla, pues estando p^{a}. arreglarse el pago de la deuda pùblica, dicha oficina tiene que ocuparse de la liquidacion de todo lo que ha prestado de su fondo al Gobierno ó que éste ha tomado en las Administraciones desde la época de la Yndependencia titala fecha.

El contador manifestó las dificultades que pulsaba para vericar esta operacion con la prontidud y esactitud descadas.

La Junta convino, en que no siendo fácil tener la pronta y esacta liquidacion de dicha deuda en tantos años podrian reunirse de pronto las partidas de facil comprobacion y presentarse al Gobierno para obtener se consideren en via de pago entre tanto se arregla la repetida liquidacion pidiéndose á la Contaduria mayor la cuenta de la Junta provicional q. sucredió al antiguo Tribunal de Mineria, y todos los demas docum^{tos}. que se necesita para el objeto.—Dos rúbricas.

—

Sesion del 6 de Julio de 1846.

Coñcurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 3 se dio cuenta con las comunicaciones siguientes:

Primera. Del comisionado de Zimapan remitiendo una letra de ciento catorse ps. tres rs. dos granos.—Que se reconosca y cobre la letra, se hagan los debidos asientos y se acuse el recibo.

Dos. Del encargado del cobro en Guadalupe y Calvo participando que teniendo que marchar de aquel mineral dejaba encargado de la recaudacion à la Direccion de la casa de moneda à quien ha entregado los productos de Abril y Mayo no habiendo recibido todavia lo perteneciente al Parral.—De enterado y q. se le estrañe el no haber remitido el dinero por Libranzas como siempre.

Tres. Del S. Ensayador gral. remitiendo ochocientos sesenta y nueve pesos tres rs. por productos del derecho de mineria en el mes pasado inclusos veintidos pesos dos rs. tres gs. que abona D. Manuel Lebrija.—Recibo y á la Contaduria.

Cuatro. Seis de D. José Zamora acompañando con la primera las memorias num. 26, los estados n. 6, y la volita de beneficio num^{o}. 5, de la negociacion de Tasco.—Recibo y á la

contaduria. Dos avisando que la cantidad de azogue que se recojio de la compostura del labadero fué de cuarenta y una libras y que para la raya de la presente semana necesita de ciento cincuenta ps.—De enterado. Tres. Proponiendo se quite el Guarda de la mina de Tocotitlan pues que los metales que custodia no costean su beneficio y que de este modo se ahorrará el gasto de treinta y nueve ps. anuales.—La Junta acordó de conformidad. Finalmente avisando en las tres últimas haber girado la libranza n°. 32 valiosa cien ps. la 33, ciento doce y la 34, ciento cincuenta.—Que se paguen.

La Junta acordó se pregunte al S. Zamora el estado de los alquileres de las casas pertenecientes à la negociacion, y que estando ya ajuntado el azogue mande al arrievo por él.—Dos rúbricas.

—

Sesion del 7, de Julio de 1846.

Concurrieron los SS. Segura Flores y Rozas, y despues de aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primera. Del ministerio de Justicia fha. 29, del pasado participando que el Gobierno ha resulto no se contrarie el denuncio que ha hecho D. Julian Arreguin de la mina de Guadalupe en Clavellinas. La Junta acordó que se inserte al Juzgado de Guanajuato suplicándole mande inventariar las ecsistencias que haya en dicha mina para los efectos à que haya lugar conforme al artículo 1°. del titulo 6°. de la ordenanza.

Dos. De la Tesoreria gral. fha 4 del corrte acusando recibo de las Libranzas de Tampico numeros 109, 112, y 114 valiosas cincuenta ps. cuenta y cuatro centavos, que habia remitido y se le devolvieron.—A su espediente.

Se mandó pagar la cantidad de veinticinco pesos por valor del Ensaye político y del viaje del Baron de Humboldt en once tomos, cuya compra para el uso de esta oficina autorizó el Gobierno en el año pasado.

Se acordó por último que se repita à Don Manuel Moreno de Tejada el oficio q. se le dirijió en 4 de Setiembre del año pasado advirtiéndole que conforme à las orns. del Supremo Gob°. hoy está suspenso el pago de todo gasto perteneciente al fondo de azogue.—Dos rúbricas.

—

Sesion del 9 de Julio de 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 7 se dio cuenta con las tres comunicaciones siguientes:

Primera. Del Ministerio de Justicia f ha 6, avisando haber aprobada el Gobierno el gasto de doce rs. diarios para un escribiente que sustituya al de la contaduria.—Que se comunique á dha oficina.

Dos. De la Direccion de Yndustria de la misma fha. remitiendo cuatro ejemplares de su memoria del año pasado.—Que se acuse recibo dándole las gracias.

Tres. Del comisionado del cobro en Pachuca remitiendo las cuentas certificadas en el tercio pasado.—Recido y á la contaduria para su ecsamen.

A peticion de la contaduria la Junta acordó se pidan algunos certificados à los encargados del cobro del derecho de mineria y á la contaduria de propios.—Dos rúbricas.

—

Sesion del 11 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 9, se dió cuenta con un oficio del E. S. Ministro de Hacienda f ha 7, previniendo que los productos del descuento de la cuarta parte de sueldo que debe hacerse à los empleados del resorte de la junta se enteren mensualmente en las Tesorerias Departamentales respectivas.—La Junta acordó q. se reserve este asunto para el lunes.

Se leyó un informe de la contaduria en q. hace algunas consultas sobre los creditos que deben liquidarse para negociar su cobro en el nuevo arreglo q. va à darse al crédito público.—La Junta acordó q. con respecto à los intereses del dos por ciento mensual que habian causado los treinta mil pesos del contrato que tuvo lugar con D. Gregorio Mier y Ferán en 1838 se lleve por cuenta separada para no compliar el cobro de las cantidades restantes en q. no hay las dificultades que esta presenta.

Que lo mismo se verifique con el crédito de la concordia del Tabaco.

Y que por ultimo se escluyan de la lista los créditos de cobre, prestamo forzoso, subsido de guerra y cualquiera otro cuyo pago este consignado yá por una ley, puesto que todos estos deben cobrarse por cuenta separada conforme á los diversos arreglos q. han tenido ó que de nuevo se les dé.—Dos rúbricas.

—

Sesion del 13 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 11 se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de este Departam^{to}. participando haber pedido informe al Juzg^{o}. de Paz de Temascaltepec y que por ahora se abstenga de disponer de los terrenos ó ejidos que reclama aquel Juzg^{o}. de mineria.—Que se le inserte como resultado de su comunicacion.

Dos. Del Jusgado de Guanajuato insertando una propuesta que hace el D^{r}. D. Leopoldo Vidal, sobre arrendamiento de la mina de Guadalupe en Clavellinas.—Ynforme la mesa de fomento.

Tres. Del Juzgado de Jesus M^{a}. remitiendo el acta de su instalacion y una libranza de quince pesos para la compra de seis ordenanzas.—La Junta acordó que se eleve la acta al supremo Gobierno, se cobre la letra y se remita la circular que pide.

Cuatro. Del encargado de la recaudacion en Zacatecas f ha 7, del corriente remitiendo una letra de seis mil trescientos setenta y nueve ps. un rl. diez gs. por productos del mes pasado en aquella capital, deducido el honorario, y veinticinco ps. dados al alumno Ayala; y otra de diez y nueve ps. mas doscientos pesos siete rs. seis gs. por los productos de Sombrerete.—Que se reconoscan, se hagan los respectivos asientos y se acuse el recibo cobrándose desde luego la de Sombrerete.

Cinco. Del encargado en chihuahua remitiendo otra valiosa setecientos cuarenta y ocho pesos seis rs. nueve gs. los doscientos noventa ps. seis rs. dos gs. pertenecientes à Jesus Maria y el resto à aquella capital por los productos de Mayo.—Que se reconozca la letra, se hagan los debidos asientos y se acuse el recibo.

Seis. Ocho comunicaciones de D. José Zamora en Tasco, f ha 11 del corriente remitiendo en la primera las memorias num. 27.—Recibo y à la contaduria. Participando en la segunda haberse labado en la semana los trescientos diez y ocho quintales de Yxtajal é incorporados otros trescientos diez y ocho con cuatrocientos libras de azogue; que una de las labores barrenò en limpio y otra angostò, por lo que disiminuyó la saca reduciendo el trabajo à solo el metal de pinta: acompañando en las cuatro sig^{tes}. las libranzas num. 35 á 38.—Que se paguen, y participando en la última que habiéndose estraviado la girada á favor de D. José M^{a}. Rodriguez, solo se satisfaga á dicho Señor.—Dos rúbricas.

—

Sesion del 16 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Rozas y despues de aprobada la acta del dia 18, se dió cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha. 15 participando haber obtenido la aprobacion suprema el acta de instalacion del Juzgado de Jesus Mª.—Que inserte à dicho Tribunal.

Dos. De la contaduria de propios de la misma fha. contestando á la comunicacion que se le dirijiò pidiéndole algunos Certificados para comprobar la deuda del Gobº. que algunos de ellos no ecsisten en aquella oficina y q. los otros como comprobantes de las cuentas no se pueden separar de ellos sin conocimiento del Gobierno; pº. q. para obsequiar los deseos de la junta acompaña un Certificado de ecsistir en aquella contaduria los tres certificados de mil doscientos cuarenta ps. enterados en la antigua Coninaria de S. Luis Potosí, aunque no fija el año, y finalmente que eciste en las cuentas de Guadalajara correspondientes al año de 34. Otro Certificado de cuatrocientos pesos enterados al mismo supremo Gobierno.—La Junta acordò que no pudiéndose hacer el uso conveniente de le Certerficacion que acompaña el S. Contador de proprios para el cobro de las deudas correspondientes à diversos años y no contando ademas en una de ellas la época à que pertenece, se suplique a dicho Sor. Contador aprovechando la buena disposicion que manifiesta para obsequiar los deseos de la Junta, se sirva mandarle cópia por separado de ambos Certificados, acompañando al calce de ambos la Certificacion de estar conformes con los originales que ecsisten en esa oficina, pues de esta manera la deuda quedará acreditada y en el caso de que el Gobierno creyere necesario tener á la vista el certificado original lo pedirá á la repetida Contaduria.—Que se averigüe por la contaduria de la Junta el lugar donde esten los demas Certificados que se pidieron á la de propios para reunirlos originales ó en copia al suprema Gobierno.

Tres. Dos del Apoderado en Guanajùato fha 13 del corriente acompañando al primero una letra de cuatro mil setecientos cuatro pesos un real seis granos valor líquido de los derechos de mineria de aquel Departamento del mes de Junio.—Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.—En la segunda acnsa el recibo de la nota en que se le comunicó haberse satisfecho a algunos mineros el importe de las platas que tomó el Gral. Santa Anna en Guanajuato por cuya razon no habian satisfecho el importe del derecho de mineria correspondiente á Noviembre de 1844.

Se leyo un informe de la Contaduria que es de parecer que la cuenta presentada por el apoderado de la Junta que lo ha sido hace cuatro años el Secretaria de la misma.—Se suspendió su resolucion.—Dos rúbricas.

Sesion del 20 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 16 se leyeron las comunicaciones siguientes:

Primera. Del E. S. Director del Colegio de Mineria contestando à la recomendacion en favor del hijo del Sor. Zamora que será colocado en la primera vacante que haya de dotacion. —Que se inserte al S. Zamora.

Dos. Del comisionado en Durango acompañando una letra de setecientos (pesos) noventa y cinco ps. cuatro rs. resto líquido de los productos de mineria en el mes de Junio.—Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. Del Ensayado del Parral contestando al cobra que se le hizo de los abonos que à razon de diez ps. mensuales debio haber ya verificado, y agregando que ha satisfecho de su deuda mas de cuatrocientos pesos.—Que informe la contaduria en cuanto á este punto y vuelva al acuerdo.

Cuatro. Seis comunicaciones de D. José Zamora, la primera fha 13 del corriente remitiendo al arriero por el azogue.—Que se le entregue. Acompañando en la segunda las memorias numeros 28 y la boleta nº. 6.—Recibo y à la Contaduria. Acompañando á la tercera la cuenta de la casa de la Sra. Yndaburo. —A la Contaduria para que la tenga presente en la glosa y al S. Zamora q. amplie el informe con respecto à las otras casas. Noticiando no la cuarta que necesita para la raya de trescientos pesos.—De enterado y avisando en las dos últimas haber girado las libranzas n. 39, valiosa doscientos pesos y la numº. 40, valiosa cincuenta y dos ps.—Que se paguen.

Habiendo manifestado el Contador de la Junta que al de propios se le devolviese su oficio en que acompañaba la Certificacion de los Certificados q. se le pidieron por haber padecido un equíboco.—La Junta acordò que se le devuelva.—una rúbrica—otra rúbrica—otra rúbrica.

—

Sesion del dia 21 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 20, se dio cuenta con las comunicaciones siguientes:

Primera. De la contaduria de propios fha. 15 del corriente manifestando que no pudiendo remitir los Certificados originales que se le pidieron remite una Certificacion en la que espresa que no deborá entenderse que de algun derecho contra el

erario publico y q. cause efecto de pago en las oficinas de la Hacienda Nacional.—La Junta acordó que siendo el objeto de pedir tales certificados el de cobras al Gob°. las cantidades q. acreditan debe ocurrirse al mismo manifestándole lo sucedido y que en atencion alli dichos certificados con solo objeto de que servieren a la gloza de comprobantes de la cuenta, la que no se ha glozado hasta la f'ha, se sirva prevener à la mencionada Contaduria entregue los repetidos Certificados á la Junta quedándose con copia certificada de ellos para la gloza.

Dos. De D. Manuel Mariano Cortazar f'ha 14, del corriente remitiendo las memorias de la mina de Atargea desde el num. 5, hta el 15, correspondiente á la semana que términó en 11 de este mes. De su contestacion se infiere no haber recibido la última en que se le avisó de la suspension de pagos por el fondo de Azoguez pues que pide se le remitan las dos últimás libranzas de trescientos pesos y por último que se le diga desde cuando debe abonarse su sueldo.—La Junta acordó q. las memorias pasen á la contaduria y que se repita la comunicacion en que se le avisó en que suspenso todo pago del ramo de azogues por orn. del Gob°. no puede la junta remitirle las libranzas q. pide.

Tres. De la casa de los SS. Bering y Herm. de Londres acusando recibo de las mil libras esterlinas que giró contra ellos y á favor de la Junta y acompañando las contestaciones q. han mediado con el Dr. Ure sobre los aparatos de destilacion que ofrece dirijir y poner muy pronto en Liverpool á razon de doscientos cincuenta libras cada uno. Con este motivo se acordò citar al S. Mayordomo del Colegiò para el pago de mil pesos que se prestaron al colegiò en el mes pasado por cuenta de la ecsistencia que queda en la casa de los SS. Bering.

Se diò cuenta por último con un informe de la Contaduria contraido à que se pidan para la formacion de la cuenta de las cantidades que debe el Supremo Gobierno algunos documentos á Don Lorenzo Carrera y à los apoderados en Hermosillo, Guadalajara, Parral, Chihuahua y Guanajuato y la junta acordó de conformidad.—una rúbrica—otra rubrica—otra rúbrica.

—

Sesion del 22 *de Julio de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 21, se dió cuenta con un informe de la mesa de Administracion en el asunto de la deuda del S. Cerraton y como en el se espresa que el S. Bassoco habia dicho que el Lic. Yrayo era magistrado de Morelia y se asiento que el mismo Sor. habia quedado encargado de buscar persona que

se encargase de dicho cobro, la junta en vista de la acta de 23 de Marzo del presente año á que se refiere acordò que conste en el espediente respectivò que el S. Bassoco no dijo que el S. Yrayo fuese magistrado de Morelia sino de Querétaro y que no que se le habia encargado de buscar persona en Morelia à quien se comisionase para el cobro y por último que en esta virtud los Soreś. de la Junta procurarian informarse de una persona q. fuese à propòsito para dicho encargo.

En otro informe de la misma mesa propone se acuerde al Supremo Gobierno lo súplica que se le hizo en 30 de Marzo para que resuelva sobre la conducta que debe observar la junta para hacer efectivo el cobro de los treinta y cuatro mil pesos q. tomó el Gral. Sta. Anna en lo casa de moneda de Guanajuáto, y otro para que se repita el oficio en el cual se dijo en 7 de Fbo. al Admor. de rentas de Durango para el pago de los dos mil ciento cuarenta y nueve pesos cinco rs. que resta por valor de dos libranzas respaldadas y lo Junta acordó de conformidad, agregando que habiéndose remitido las libranzas al comisionado por la casa de los SS. Manning y Mackintosh se diga a este Sor. inste al Apoderado por el cobro.

Se leyò por último un oficio del Ministerio de Hacienda f'ha 7, del corriente en que comunica la orn. del E. S. Presidente contraida á que los productos del descuento de la cuarta parte del sueldo que debe hacerse á los empleados del resorte de esta junta se entere mensualmente en las Tesorerias Departamentales respectivas.—La Junta acordò que se verifique el entero por la cantidad de ciento setenta y ocho ps. un rl. cuarta parte de la suma que importan los sueldos de la oficina que se pagan del fondo de azogue descontandose en el presente mes à todos los empleados á provata de sus asignaciones, cuyo prorateo se ha adoptado con unaminidad de todos los empleados por principios de equidad, sin que se entienda q. el pago perjudica los derechos con q. cada uno se considere, y con respecto al colegió que se inserte la orn. de que se trata al E. S. Director avisándose al Gobierno lo una y lo otro por conducto del Ministerio de hacienda é insertándose el oficio al de Justicia.—una rubrica—otra rubrica—otra rúbrica.

—

Sesion del 23 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia anterior se dio cta. con una comunicacion de la Subpref^a. de Colotlan en el Departamento de Jalisco participando à la junta que habiendose pronunciado el presidente del Juzgado de Bolaños D. Juan Fran^co. Cantabrana

por tal motivo y por otros crimenes de que le acusa no puede continuar con el caracter de Presidente.—La Junta acordò q. se inserte al supremo Gobº.

Dos. Del Tribunal de Bolaños en que el suplente del Presidente D. Manuel Velasquez participa haberse encargado del Juzgado por haberse fugado el S. Cantabrana aunque sin entregar el archivo ni los espedientes.—La Junta acordò que se le conteste de enterado y se inserte al supremo Gobierno, como resultado de la nota del Subprefecto de Colotlan.

Tres. Del comisionado en Pachuca remitiendo una letra valiosa mil cuatrocientos noventa y tres ps. dos rs. cuatro gs. por derechos de mineria del mes pasado.—Que se reconosca la letra se hagan los respectivos asientos y se acuse el recibo.

Cuatro. Del apoderado en S. Luis Potosi acompañando otra valiosa mil trescientos cuarenta y cinco pesos treinta y tres centavos por los productos del mes de Junio y recayó el mismo acuerdo.—una rubrica—una rubrica—otra rúbrica.

—

Sesion del 24 *de Julio de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del dia anterior se dio cuenta con los informes siguientes:

Primero. De la Contaduria sobre la última comunicacion de D. Mariano Catano relativa á su deuda como fiador de Dª. Ana Sierra q. concluye pueden abonarse à Cataño doscientos noventa pesos y no cuatrocientos y tantos como dice.—La Junta acordó que se inserte á dicho S. Ensayador este informe y que entretanto contesta á él no sola verifique los abonos de diez pesos mensuales sino lo mas que pueda por los que ha dejado de hacer.

Segundo de la mesa de Administracion con respecto á la deuda del S. Fagoaga proponiendo q. la contaduria proceda á su liquidacion.—La Junta acordò de conformidad.

Se leyó una comunicacion del E. S. Director del Colegió insertando un oficio del Sup. Gobº. de Veracruz en que le participa haber nombrado yá los doce alumnos que deben venir al Colegio de mineria pertenecientes al Cuerpo de marina conforme al decreto de cuatro de Abril de este año haciendo presente que no hay en el colegio un dormitorio pª. recibirlos.—La Junta acordò que siendo esta la primª. noticia q. tiene acerca del referido decreto ignorando si se han recibido ya algunos de dichos alumnos cual es la dotacion que paguen al Colegio y en donde esté consignada su paga: por último donde haya de hacerse el nuevo dormitorio y cúanto importa este gasto se comu-

nicase al S. Presidente de la Junta para q. impuesto del S. Director de todos estos pormenores y ecsaminadas las localidades convenientes del colegió informe á la Junta para que esta resuelva en vista de todo, lo que creyere conveniente.—una rúbrica—otra rubrica—otra rúbrica.

—

Sesion del 27, *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 24, se dió cuenta con las comunicaciones siguientes:

Primera. Dos del Ministerio de Justicia fhas 25, del corrte. acusando recibo del oficio en que se le participó haber sustituido al Presidente del Juzg°. de Bolaños el sustitulo á quien llama la ley, y la otra del oficio en que se le trascribiò la contestacion al Ministerio de Hacienda sobre la exhivision de lo cuarta parte del sueldo de los empleados del resorte de la Junta. A sus espedientes.

Dos. Dos del E. S. Director del colegió de mineria de 25 del corriente insertando en el prim°. una esposicion de los Profesores D. Joaquin Velasquez, Don Sebastian Camacho, D. Antonio Castillo D. José Salazar y D. Blas Balcarcel sobre que se declare no estar comprendidos en el decreto que rebaja una cuarta parte de sus sueldos à los empleados agregando q. en su concepto la solicitud está fundada en justicia pues no podria sin faltar à ella rebajarse à unos profesores y no á otros.—La Junta acordò que se inserte al supremo Gobierno por conducto del Ministerio de Justicia y se diga asi al S. Director manifestandole la diferencia entre los profesores pagados por el fondo dotal y las que lo son del de azoguez á quienes ella considera comprendidos en el mencionado decreto. En el segundo propone que en virtud de tener que pagar en la semana entretanto una cantidad crecida de libros y maquinas que para el colegio y el museo ha traido Don Clemente Bourges y algunos fletes cuyo importe de mil quinientos pesos consta de la cuenta del S. Mayordomo que acompaña, abonará los mil pesos q. se le proporcionaron en Londres deduciendo quinientos cada mes de lo que se entrega á dicho mayordomo.—La Junta acordó que se la conteste de conformidad verificándose el primer abano de los dos mil pesos que del fondo de azogue se le han de anticipar en el mes que entra.

Tres. Del comisionado en Guanajuato que en 14, del corriente remite el recibo de sesenta ps. que entregó el Sor. Robles en 1844 por el cuarto trimestre del préstamo forzoso. Remite igualmente un oficio del Tesorero Departamental por no poder

duplicar el certificado que se le pidiò de dos mil setecientos veintidos pesos siete rs. nueve gs. q. dice el Sor. Hoffay el que asegura haberlo remitido con las cuentas de Marzo de 845. Por ultimo agrega que el S. Robles le reclama las boletas de Mineria que quedaron pendientes del tiempo de su recaudacion. La junta acordò q. se pase à informe á la Contaduria.

Cuatro. Cuatro oficios del S. Zamora f ha 25, del corriente acompañando al primero las memorias numeros 29, de la negociacion de Tasco. Que se acuse recibo y se pasen á la Contaduria. Avisando en el segundo haber girado á favor de S. Rafael Solarez la libranza nº. 41, valiosa doscientos cincuenta pesos.=Que se pague. Participando en el tercero que para la raya de la presente semana necesita de doscientos cincuenta pesos.=De enterado. Y dando las gracias en el último por la recomendacion que ha hecha la junta à favor de su hijo.=Al archivo.

El Srio. manifestó que D. Agustin Font que tiene prestada la mina de S. Joaquin de Tasco, le escribia en 21 del corriente desde Orizaba si la Junta querria habilitarlo puce que se habia encontrado una labor muy buena no tanto por su ley como por lo abundante de su saca.=La Junta acordó que no teniendo fondos para esta clase de habiltaciones se le contestase asi, pª. que se le recuerde que entre tanto consiga el avio la mina debe continuar amparado por él pª. evitar un denuncio.=una rúbrica=otra rúbrica.=otra rúbrica.

—

Sesion del 28 *de Julio de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia anterior se leyó una comunicacion del Tribunal minero de Temascáltepec anunciando que habiendo llegado á entender que en el informe del S. Prefecto se trató de desbanecer la realidad con que apoyó su queja ofrece remitir los justificantes.=La Junta acordó que se le conteste de enterado y que se espera la justificacion q. ofrece.

Se dio cuenta con un informe de la Contaduria que comprende la liquidacion de la deuda del S. Fagoaga la que queda reducida á dos mil ochocientos diez y seis ps. seis rs. diez gs.= La Junta comisionò al S. Segura para que impuesto de los créditos que presenta el S. Fagoaga informe en vista de los antecedentes cual sea mas conveniente admitir.=una rubrica=otra rubrica=otra rúbrica.

Sesion del 30 de Julio de 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 28, se leyó una comunicacion del encargado del cobro en Pachuca manifestando que no habiendo recibido el recibo de las cuentas q. remitió en 7, del corriente pide se le diga si han padecido entrabio p^{a}. reponerlas.—Ynforme la sria.

Se dio cuenta con los dos siguientes informes de la Contaduria. Primero sobre la equivocacion que se advierte en el poder dado por los herederos de D. José Amares en que dice Berroete en lugar de Berroecos.—La Junta acordó que en atencion á la conveida honrades del Sor. Berroecos continue reconociendosele como apoderado de dichos herederos; pero que se le diga oficialmente q. dentro de seis meses acredite del modo conveniente el equivoco de la palabra Berroete en lugar de Berroecos.

Segundo sobre la ultima contestacion del apoderado en Gnanajuato relativa á la cuenta del S. Robles.—La Junta acordó de conformidad.—una rúbrica—otra rúbrica—otra rúbrica.

—

Mes de Agosto de 1846.

Sesion de 3 de Agosto de 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 30 se dio cta. con las comunicaciones sig^{tes}:

Primera. Del Juzgado minero de Angangueco consultando á la junta que debe hacer en virtud de que habiéndose recusado á su presidente este no ha querido darse por tal recusado.—La Junta acordó q. occura al Juez del partido para consultarle conforme á la ley que establecidó los Juzgados y al Gobierno superior del Departamento si tuviere necesidad de hacer obdecer sus acuerdos.

Dos. De Diego José Perez Fernandez f'ha 2, del corriente participando que en cuanto recibo su sueldo mandará el abono de este mes.

Tres. Del Comisionado en Culiacan remitiendo dos libranzas una de ciento veintiocho ps. dos rs. por productos de mineria en Cosalá en Mayo y otra de treinta y siete pesos setenta y nueve centavos por los de Mazatlan pertenecientes al mismo mes.

Cuatro. Del apoderado en Guanajuato ofreciendo que en lugar del Certificado que se le pidió mandará un testimonio de

la protesta que hizo el S. Hoffay en aquella época.—A la contaduria.

Cinco. Siete comunicaciones de D. José Zamora la 1ª. de 27 del pasado avisando que el arriero no habia llevado mas de cuatro quintales y medio de azogue. Averiguado que habian que dado el uno y medio restantes en la casa donde se comprò se le remitiesen. Con la segunda acompaña las memorias num. 30 y los estados y corte de caja nº. 7 de la negociacion.—Recibo y á la Contaduria. En la tercera pide se le remita una tela que necesita para la rueda del molino de seis varas de larga, si tuviere una tercia de ancho, y de tres si fuere doble el ancho y participando que siguen bien los metales de pinta y q. para la raya de la semana entrante necesita de trescientos ps.—De enterado y que se solicite la lela.—En la cuarta participa que habiendo sido rechasados los invasores de Ygnala se habia restablecido la tranquilidad.—De enterado. En la quinta remite ampliado su informe sobre las casas pertenecientes á aquella negociacion.—Que informe la mesa de fomento y acompañando en las dos últimas las libranzas num. 42 y 43, valiosas ciento cincuenta pesos y doscientos pesos.

Se leyó por último una instancia de Dª. Maria Ygnacia Barron en que solicita se le devuelvan los descuentos que se hicieron del monte pio á sus dipuesto esposo D. Fernando Tamayo. —Que informe la mesa de fomento.—una rúbrica—otra rubrica—otra rúbrica.

—

Sesion del 7 de Agosto de 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 3, se leyeron las comunicaciones siguientes:

Primera. Del Ministerio de Justicia fha 5, del corriente autorizando á la junta para q. haga lo quo la paresca mas conveniente en cuanto al denuncio y propuesta de arrendamiento de la mina de Clavellinas.—La Junta acordó que se inserte al Juzgado de Guanajuato.

Dos. Del encargado de la recaudacion del derecho de mineria en Méjico remitiendó mil tres pesos cinco rs. por lo cobrado en el mes prócsimo anterior inclusos veinticinco ps. cinco rs. nueve gs. que abonó D. Manuel Lebrija.—Recibo y á la Contaduria.

Tres. De D. Eduardo Scheleiden adjutando en copia una instancia que dirijió al E. Sor. Gobernador del Departamento de Michoacan contra el presidente del Juzgado de Angangueo por que habiéndosele recusado no solo no ha admitido la recu-

sacion sino que ha seguido conociendo en el asunto con citar á los partes y con llamar á los cólegas asosiados con dos de los suplentes.—La Junta acordó que se suplique al E. S. Gobernador de Michoacan que tomando los informes q. estime convenientes en el asunto haga que se administre pronto y debido justicia por aquel Tribunal en todo lo que este en sus facultades.

Cuatro. Se leyò un informe de la Contaduria opinando que puede pedirse el certificado de la casa de moneda de Guanajuato de que habla D. Fernando Pohls en su oficio de 31 del pasado supuesto que no puede remitirlo el S. Admor. de rentas de aquel lugar.—La Juuta acordò de conformidad.—una rúbrica—otra rúbrica—otra rúbrica.

—

Sesion del 10 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Basseco y despues de aprobada la acta del dia 7, se dio cuenta con las comunicaciones siguientes:

Primera. Del encargado de la recaudacion en Zimapan remitiendo una letra de doscientos treinta y siete pesos un grano por derechos de mineria del mes de Julio.—Que se reconosca y cobre la letra, se hagan los asientos y se acuse el recibo.

Dos. Cuatro comunicaciones de D. José Zamora del dia 8 del corriente acompañando á la primera las memorias num. 31, y la boleta de beneficio numº. 7.—Recibo y á la contaduria.—Participando en la segunda que los metales ultimamente labados han rendido una ley casi de setenta marcos por cien quintales: manifiesta la necesidad de que se le remistan otros seis quintales de azogue y que en la semana presente se labará una partida de trescientos quintales y finalmente que pª. la raya necesita de trescientos pesos.—La Junta acordó de enterado y que se le conteste que para el dia 21, podrá venir el arriero por el azogue.—Con la tercera y cuarta avisa haber girado la libranza nº. 44 valiosa doscientos setenta y ocho pesos y la nº. 45, por valor de cincuenta.—Que se páguen.

Hablendo leido el oficial 1º. un decreto de la Asamblea Departamental de Chihuahua fha. 10 del pasado en que señala para las atenciones militares de aquel Departamento el producto del derecho de mineria la Junta acordó que se oficie al E. Sor. Gobernador de aquel Departamento desvanciendo la equivocacion en que ha incurrido aquella Asamblea suponiendo este fondo como pertenecientes á rentas públicas remitiéndole copia de la esposicion que se elevó al Goberno en 10 de Enero del ano pasado con motivo de una igual ocupacion que tuvo la Asamblea de Guanajuato y la orn. que de conformidad

diò en consecuencia el Supº. Gobierno de acuerdo con el consejo suplicando le derogue tal orn.

Se acordó igualmente que se oficie à D. Antonio Castillo reclamando la conclusion del mapa minero qne quedó en entregar hace algun tiempo y que entretanto remita el que se le presto del S. Segura.=una rúbrica=otra rúbrica=otra rúbrica.

—

Sesion del 13 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 10, se dio cuenta con las comunicaciones siguientes:

Primera. Del Juzgado de Guanajuato de 8 del corrte participando que ha trasladado al S. Arreguin todas las comunicaciones de la Junta é inserta à la letra la contestacion nada comedida de dicho Sor. El Tribunal dá à entender que no sabiendo que hacer ha pasado el asunto al Acesor.=La Junta acordó que informe la mesa de fomento y que se diga al Dr. Vidal que está pronta à ceder en su favor todos los derechos que tiene á la mina de Clavellinas con tal de que azogue los gastos que sean necesarios en el pleito que indica el S. Arreguin en el concepto de que el importe de ellos se deducirá de la tercera parte de utilidades que ofrece.

Dos. De la Direccion gral. de Yndustria fha. 10 acusando recibo de una libranza de ciento veintidos noventa y cuatro centavos que devolvio la Aduana de Veracruz. A su espediente.

Tres. Del encargado en Durango acompañando quinientos cincuenta y cuatro ps. tres rs. un grano, por productos del derecho de mineria en el mes de Julio.=Que se reconozca la letra se hagan los debidos asientos y se acuse el recibo.

Cuatro. Del de Culiacan remitiendo dos libranzas una de setecientos treinta pesos cinco octavos de real por productos del derecho de mineria en todo el mes de Mayo en Alamos y otra de cuatro cientos cincuenta y cuatro pesos tres y medio rs. por los mineros productos pertenecientes á Junio.=Que se reconoscan las letras, se hagan los respectivos asientos y se acuse el recibo.

Cinco. Otras tres del mismo acompañando tres libranzas, una de doscientos veintidos pesos y cinco octavos de real por productos de mineria en Culiacan en el mes de Junio. Otra de ciento cincuenta y dos p. noventa centavos por los de Mazatlan en Junio y la ultima de cuarenta y seis pesos cinco rs. por los de Cosalá en el repetido mes. Que se reconozcan las letras, se hagan los respectivos asientos y se acuse el recibo.

Seis. Se leyó la cuenta de lo recaudado en Julio por las viviendas del Colegio.—A la contaduria.

Se leyò finalmente una instancia de D. Jose Mª. Arteaga solicitando la escribania que desempeñaba Don Manuel Garcia Romero.—La Junta acordó que se reserve para su caso.

Se leyó un oficio de la Junta menor de S. Juan de la Chica manifestando que la Junta de S. Juan de la Chica habia acordado pedir á los accionistas, enteracen el segundo dividendo para el dia 22.—una rubrica—otra rubrica—otra rúbrica.

—

Sesion del 17 *de Agosto de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada del dia 13, se dio cuenta con las comunicaciones siguientes:

Primera. Fechas 14 del corriente en Pachuca del apoderado remitiendo una letra por valor de mil cuatrocientos sesenta y cinco ps. seis rs.—La Junta acordó se reconozca la letra, se hagan los asientos y se acuse el recibo.

Dos. Del de Zacatecas á 10 del corriente remitiendo dos letras una de seis mil trescientos veintitres ps. uno y medio gs. por los productos de aquel Distrito en el mes de Julio y otra de ciento cincuenta y tres ps. cuatro rs. productos de los derechos de Sombrerete en el mes de Julio.—Que se reconosca la letra de seis mil trescientos veintitres ps. uno y medio gs. se reconosca y cobre la de ciento cincuenta y tres ps. cuatro rs. y se acuse el recibo.

Tres. Del comisionado en Guanajuato fha. 14, acompañando una libranza de seis mil ciento treinta y nueve pesos cinco rs. un grano.—Que se reconozca la letra, se hagan los asientos y se acuse el recibo informando la contaduria sobre los introductores de plata que no hayan pagado sus derechos.

Cuatro. Del de Chihuahua de 18 de Julio remitiendo una libranza de trescientos cuarenta y cinco pesos un real valor de los productos de mineria del mes de Junio en Chihuahua y Jesus Maria.—Que se reconozca la letra, se hagan los asientos y se acuse el recibo.

Cuatro comunicaciones de D. José Zamora fha 15 acompañando en la primera las memorias num. 32.—Recibo y à la Contaduria.—Acusando recibo en el segundo del completo de lo seis quintales de azogue que se le enviaron y avisando haber girado los letras num. 46 y 47, por valor de ciento cincuenta pesos cada una.—una rubrica—otra rubrica—otra rúbrica.

Sesion de 19 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y los SS. Licenciados D. Arcadio Villaloa y D. Francisco Gomez como representantes de los parcioneros de la Junta en la mina de Trinidad de Tasco y el Lic. D. Cástulo Barreda como su patrono en el asunto promovido por D. José M^{a}. Madariaga sobre denuncio de la mina llamada el Socabon de S. Juan.

Este último S. manifestó que habia promovido ante la Junta se citacen á los SS. parcioneros para q. promovicien por su parte la justa defensa de sus derechos en el despojo que trata de hacerseles de su propiedad, cuyo recurso podria ser tanto mas útil cuanto que ampliado de este modo el término de prueba ésta podria ser mas amplia y competente.

El Sor. Presidente manifestò que la Junta estaba pronta á continuar haciendo los gastos q. erogase este recurso cargándolos á la cuenta de avio que lleva con los Señores Parsionistas.

El S. Gomez dijo que no tenia embarazo en tal concepto en sostener por su parte los derechos al Socabon de S. Juan.

El S. Villaloa indicò que no le parecia útil el ocurso de que se trata por que al menos por su parte no tendria que alegar nuevas pruebas á las que habia espresado el S. Barreda en defensa de los derechos de la Junta en los que estaba de acuerdo y no creia necesario dar este paso con solo el objeto de dilatar este asunto.

El S. Barreda insistiò en que por lo mismo si para ampliar y corroborar la prueba fuese necesario usar de este recurso quedase acordado desde luego se usase de él en los términos indicados, en lo que convinieron unáminemente pidiendo por ultimo dicho S. Barreda y conviniendo la junta en que se le diese còpia de este acta para los usos q. creyese convenientes.

En seguida se dio cuenta con una comunicacion de los SS. Manning y Mackintosh f ha. del 18, acompañando respaldadas las libranzas num. 95 y 100, de 20 de Noviembre de 844, y 4 de Enero de 845, contra la Admon. gral de rentas de Durango por valor la primera de quinientos siete ps. dos rs. tres gs. y de mil ochocientos veinte ps. siete rs. la segunda.—Se pasó á informe á la Contaduria.

Se presentò la cuenta de honorarios de Don Celso Muñoz por los reconocimientos, medidas y plano levantado de la mina de Trinidad y la Junta acordò se pasan à informe de D. José Zamora.—una rubrica—otra rubrica—otra rúbrica.

Sesion del 19 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y los SS. Licenciados D. Arcadio Villaloa y D. Fran^co^. Gomez como repretantes de los parcioneros de la Junta en la mina de Trinidad en Tasco, y el Lic. D. Cástulo Barreda como patrono de la junta administrativa en el asunto promovido por D. José M^a^. Madariaga, sobre denuncio del socabon de S. Juan en Tasco.

Este último S. manifestó que habia promovido ante la junta se citacen à los SS. Parcioneros para que concurriesen por su parte à la junta defensa de sus derechos de propiedad en lo que les toca, y que el recurso de terceria coadyubante, podria ser tanto mas util, cuanto que este modo la prueba podia ser mas amplia y competente.

El S. Presidente manifestò: que la Junta estaba pronta á continuar haciendo los gastos que erogase este recurso cargandolos á la cuenta de avio que llevaba con los SS. Parsionistas.

El Lic. Barreda hizo una reseña de todos los pasos é incidentes del asunto, desde que se hizo la denuncia en Julio de 1842, hasta la fha en que el asunto se halla en estado de haber sido restituido por cuarenta dias al término de prueba. Espuso cuales son los puntos que habia promovido relativamente à ella, cuales las razones en que se fundò la oposicion á la denuncia, las mismas que constan en los escritos que obran en los antos, cual el fin y écisto de los artículos promovidos para obtener la ampliacion del tèrmino de prueba. Habló tambien del estado que guarda la apelacion interpuesta del anto en que facilmente se escluyò la audiencia de los parcioneros.

El S. Gomez dijo: que no tenia embarazo supuestos los mèritos de que se ha hecho uso en el negocio, en sostener por su parte los derechos del socabon de S. Juan.

El S. Villaloa espuso: que no le parecia ùtil el recurso de terceria coadyubante por que al menos por su parte nada tendria que alegar, sobre lo que ha espuesto el patrono de la Junta, ni tiene otras pruebas a demas de las que èste ha espresado en defensa de los derechos comunes en el socabon de S. Juan.

Habièndose adherado el S. Gomez el concepto manifestado por el S. Villaloa, el Lic. Barreda pidió que se le diese la constancia de que los Señores parcioneros aprobaban como habian indicado la conducta de la Junta administrativa y los medios de defensa relativamente al Socabon de S. Juan, á fin de concluir con esta constancia el punto promovido sobre que se les oyese, lo cual no juzgan necesario. Se acordò por los Señores presentes de conformidad.

Espuso ademas el mismo Lic. Barreda q. si para ampliar ò

corroborar las pruebas consideraba necesario que se hiciese el recurso de terceria coadyubante quedará acordado interponerlo luego que manifiesta esa necesidad la calificacen los SS. interesados y la Junta. Convinieron tambien unanimemente en este punto.

Asi mismo acordaron por mosion del Lic. Barreda, que luego que se concluya la prueba les espondrá su opinion difinitiva sobre el asunto, y su concepto sobre su escrito final, para los objetos que convengan á todos.

Se acordó por ùltimo se dé testimonio de esta acta al Lic. Barreda y concluyó esta junta.—una rubrica—otra rúbrica—otra rùbrica.

—

Sesion del 20 *de Agosto de* 1846.

Coñcurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 19, se dio cuenta con las comunicaciones siguientes:

Primera. Dos del 17 la 1ª. del E. S. Luis G. Chavarri participando haber entregado el Gobierno del Departamento y la segunda del E. S. D. Josè Gomez de le Cortina avisando haberse encargado de èl.—Que se le conteste haberse vido con satisfaccion.

Dos. De la Direcion gral. de Yndustria fha. 19, dovolviendo respaldada la libranza nº. 884 valiosa ciento veintidos pesos veinticinco centavos y la cuenta de los gastos del protesto para que se devuelva á la Aduana maritima de Veracruz.—La junta acordó que se inserte al S. Admor.

Cuatro. De los SS. Manning y Mackintosh fha 18 del corriente acompañando un decreto de la Asamblea de Chihuahua ocupando los productos del derecho de mineria para la guerra —La junta acordó que se le conteste que ya ocurrió al Supr. Gobierno de aquel Departamento y que asi se diga tambien al encargado en Chihuahua.—La junta acordò que se encargase de las anotaciones en el protocolo de la junta por muerte del S. Garcia Romero á D. Ramon de la Cueva, Escribano Nacional y pùblico.—una rubrica—otra rùbrica—otra rùbrica.

—

Sesion del 21 *de Agosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 20, se dio cuenta con un oficio del E. S. Gobernador de Michoacan fha 17, contestando á la junta ha- e l ictado yá las providencias convenientes en el asunto del b. Schleiden.—Que se inserte al interesado.

Dos. Del encargado en S. Luis Potosi acompanando una letra de dos mil novecientos noventa y siete pesos siete rs. seis gs. por productos de mineria en el mes pasado.—Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. Del comisionado en Culiacan, acompañando otra valiosa ciento ochenta y un real por productos del mes de Mayo. —Que se reconosca y cobre la letra, y haciéndose los respectivos asientos acùsese el recibo.

Se leyò una propuesta del S. D. Manuel Marº. Cortazar sobre compra de los metales y herramienta ecsistentes en Atargea, la que subio despues á mil cien pesos.—La junta acordò que no era admisible y q. encargaria á una persona à quien entregase dichas ecsistencias. Con arreglo al informe de la contaduria se mandaron pagar a dicho Sor. doscientos noventa y dos pesos importe de lo que quedò pendiente por las diez y siete semanas del amparo que se ha verificado en Atargea y que dando solo pendiente la memoria de la ultima semana para cuando la remita y lo que importa el cuidador á la mina à razon de seis pesos semanarios desde la fecha en que cèso el trabajo. —una rubrica—otra rùbrica—otra rùbrica.

—

Sesion del 24 *de Ayosto de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 21, se dio cuenta con las comunicaciones siguientes:

Primera. Del Juzgº. minero de Angangueo manifestando que espera conseguir en vista de lo que consulta del acesor a quien se han dirijido, reponer el honor de aquel Tribunal que por desgracia habia sufrido en estos ultimos dias.—Que conteste enterado con satisfaccion.

Dos. De la Administracion de rentas de Zacatecas fha 18, del corriente participando tener à disposicion de la Junta doce ps. siete rs. nueve granos abonados por el Admor. de Villanueva por lo que debia del uno por ciento de estraccion de moneda. —Que entregue dicha cantidad al comisionado en aquella ciudad y á este q. la remita en libranza por separado para no mes clar los fondos.

Tres. Del comisionado en Guanajuato remitiendo un Certificado de aquella casa de moneda que se le pidiò.—A la Contaduria.

Cuatro. Del S. D. Mariano Monterde acompañando un documento en contestacion á las observaciones hechas à su cuenta. —A la misma Contaduria.

Se leyó y firmó el contrato celebrado con Don Manuel Mariano Cortazar por venta de las ecsistencias y metales de la mina de Guadalupe en Atargea.

Se acordó que se recuerde al S. D. Diego Moreno el asunto de las perlas.—una rùbrica—otra rùbrica—otra rùbrica.

—

Sesion del 25 de Agosto de 1846.

Concurrieron los SS. Segura Flores y Bassoco y se leyó y aprobó la acta anterior:

Se dio cuenta con un oficio del apoderado en Tasco D. Miguel Quiñones fha del dia 21, sobre pago de cuatrocientos cincuenta pesos que por costas causadas en el negocio de S. Juan cobra aquel Tribunal de mineria y se acordó que remita original ó en copia la respectiva cuenta informando lo que sobre ella le veurvlese.

Se mandaron pagar las libranzas num. 48 y 49, por ciento y por trescientos pesos girados por el encargado de los negociaciones de Tasco con fechas del 22 asi como que se hagan los asientos correspondientes.

Se dispuso acusar recibo de la memoria de la mina y de la Hacienda marcadas con el n°. 33 y de la boleta n°. 8, y que se pasen à la Contaduria para los efectos que convengan.

Asi mismo se acordó contestar de enterado la nota en que el proprio encargado avisa haberse lavado en la semana una partida de trescientos quintales y quedar incorporadas con seis cientas libras de azogue otras dos de à tresciensos cada una y de que para la raya de la semana entrante necesita de trescientos pesos.—una rubrica—otra rubrica—otra subrica.

—

Mes de Setiembre de 1846.

Sesion del dia 3.

Asistieron los SS. Segura Flores y Bassoco:

Se leyó un oficio de D. José Mariano Catañio, fha 17 del pasado Agosto en que suplica se le abonen los doscientos cuarenta y cinco ps. cinco y medio gs. que dió á D. Juan Argüelles y los ciento treinta y tres que entregó à los S. S. Lujan y Mackintosh segun acreditan los comprobantes q. acompaña.—Se acordó que informe la contaduria.

Se mandó pagar, previos los asientos correspondientes la cuenta de trescientos veintidos ps. presentada por D. Celso Muñoz y remitió D. José Zamora de Tasco con oficio de 28 del pa-

sado por los honararios que devengó en los reconocimientos que hizo y medidas y plano levantado de los minas de Trinidad y Socabon de S. Juan à consecuencia del nombramiento q. para este efecto hizo de él D. Miguel Quiñones.

Se dio cuenta con tres oficios del apoderado en Culiacan D. Tomas Mackintosh sus fhas 15 de Agosto último con que remite tres letras n. 99, a 101, importantes mil doscientos treinta y cuatro ps. veintisiete tres cuartos centavos que produjo el derecho de mineria en el mes de Julio último en Cosalá, Mazatlan y Alamos.—Que se reconoscan las letras, se hagan los asientos debidos y se cobren las 100 y 101, y se acuse el recibo correspondiente.

Se mandó pasar à la Contaduria para los efectos correspondientes la cuenta presentada por la Tesoreria que manifiesta lo recaudado por arrendam^{to}. de las viviendas del Colegio en el procsimo pasado mes de Agosto.

Asi mismo se mando trascribir con recomendacion à la Direccion del Tabaco y demas rentas estancadas un oficio del presidente del Juzg^{o}. mlnero de Angangueo su fha 28 de Agosto último en que participa no haber polvora en aquel mineral y manifiesta los graves perjuicios que se originan por la carcacia de este artículo.—una rubrica—otra rúbrica—otra rubrica.

—

Sesion del 7 de Setiembre de 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 3, se dio cuenta con las comunicaciones siguientes:

Primera. Del Gobierno de Chihuahua pidiendo de nuevo nueve ejemplares de la ordenanza para aqnellos juzgados.—La Junta acordó q. se suspenda la resolucion de este asunto hasta saber si continuan à nó dichos Tribunales en aquel Estado.

Dos. Del E. S. Director del Colegio fha 7, acompañaudo las cuentas de los dos primeros tercios de este año.—A la Contaduria.

Tres. D. Eugenio Bermejillo en Morelia à 2 de Set^{o}. acompañando el inventario de las cuentas del Admor. de rentas D. Joaquin Caballero—Que informe la Contaduria y la mesa de fomento.

Cuatro. Del Comisionado en Zimapan de 1°. del corriente remitiendo una letra de ciento cincuenta y cinco pesos cinco rs. por productos del dro. de mineria en el mes de Agosto.—Que se reconosca y cobre la letra, se hagan los debidos asientos y se acuse el recibo.

Cinco. De D. José Joaquin de Guergue en Oajaca á 24 del

pasado acompañando testimonio del escrito que presentó ante aquel Tribunal el minero D. José Contreras, sobre si caen ó nó en la pena de comiso el oro y plata en ciertos casos q. señala la panta.—Que informe la mesa de fomento.

Seis. Seis comunicaciones de D. José Zamora fha 5, del corriente acompañando à la primera las memorias nº. 35, y los estados y corte de caja nº. 8, de la negociacion de Tasco.—Recibo y á la Contaduria. Avisando en la segunda haber remitido con el arriero Luna seis barras de plata con peso de 814 marcos 4 on que estaran en Méjico el miercoles ó jueves: que los trabajos continuaban sin novedad siendo los metales de la ultima saca iguales à los que han dado la ley de 70 marcos, y por último que para la raya de la semª. actual necesita de trescientos pesos.—De enterado: adjuntando á las tres siguientes las libranzas n. 52, 53 y 54, valiosas la primera y la última cien ps. cada una y doscientos la segunda.—Que se paguen. Y manifestando finalmente en carta particular al S. Segura la injusticia con que lo calumnia el S. Madariaga probando igualmente haber cumplido con la ordenanza con el rayador Capitan de barras y demas dependientes y por último que en el titº. 9º. de las ordenanzas puede encontrarse la defensa de Trinidad.—La Junta acordó que se le diga que está satisfecha de su honrodez y que se tendrán presente sus indicaciones en el caso en que se verifique el denuncio.

Se acordó oficiar al Supremo Gobietno manifestándole que aunque la orn. que previno la suspension de todo pago del ramo de azogues, comprendió el pago de los dividendos correspondientes à la accion que tiene en la mina de azogue de S. Juan de la Chica se vè en la necesidad de pedir se derogue dicha orden en este punto pues que ademas de que mediando una escritura se podria obligár judicialmente à la junta à cubrir sus compromisos sino verifica sus abonos oportunamtº. tendrá que perder todas las cantidades invertidas hasta la fha. en la empresa por todo lo cual la junta propone se satisfaga el dividendo pendiente tomando su importe del importe de los rèditos que devengaron los veinte mil pesos pertenecientes al Departamento de Jalisco para el fomento de azogue y q. tomó enclase de préstamo la Administracion anterior.—una rubrica—otra rubrica—otra rúbrica.

—

Sesion de 10 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 7, la Sria. manifestó, que no sabiéndose si D. Joaquin Lebrija habia ó no obtenido algun empleo, el

hecho se que no habia comenzado à hacer abonos de su deuda y que ademas à los reclamos hechos al S. Olascoaga por los cincuenta pesos que como fiador de Lebrija debia haber entregado no ha contestado dicho Sor.—La Junta acordó que se averigue si ha obtenido empleo de S. Lebrija y que se ponga otro recuerdo al S. Olascoaga entregándose el oficio al S. Bassoco.

Se acordo igualmente que se diga al S. Diego José Perez y Fernandez que en vista de en carta de 2 del pasado, la Junta espera que remita inmediatamente el abono del mes pasado fundamente con el de este.

Se acordó tambien que se oficie al mismo supremo Gobierno manifestándole lo acaendo en el espediente sobre repaldos de Libranzas del Admor. de rentas de Durango para que el supº. Gobierno resuelva lo que corresponda.

Se leyó una instancia de D. José Antonio Nieto pidiendo se le venda à costo y costas uno de los aparatos del Dr. Ure que ha comprado la junta para colocar en Guadalcazar.—La junta accedió à la solicitud previniendo que se pondria de acuerdo con el S. Nieto por si le convenia tomar el aparato en la Habana.

La junta acordó oficiar al Supº. Gobierno dandole las gracias por el decreto en que declara libre la fabricacion de la polvora. —una rubrica—otra rubrica—otra rúbrica.

—

Sesion del 17 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 10 con algunas pequeñas bariaciones se dio cuenta con los oficios siguientes:

Primero. Del E. S. Gobernador del Estado de Chihuahua fha 1º. de corriente acusando recibo de la comunicacion dirijida à su antecesor en que le manifestó q. no siendo el fondo de mineria renta Departamental, la junta no podia convenir en que se ocupasen sus productos. Dicho Sor. Gobernador ofrece que habiendo pasado el asunto à dicha corporacion participará oportunamente luego que ella resuelva.—A su espediente.

Dos. Del E. S. Gobernador del Estado de Méjico avisando haber traslado su recidencia à la ciudad de Toluca.—De enterado con aprecio.

Tres. Del comisionado en S. Luis Potosi fha. 12 del corriente acompañando una libranza de doscientos cincuenta y dos pesos cincuenta y siete centavos por productos del derecho de mineria en el mes de Agosto.—Que se reconosca y cobre la letra, se hagan los asientos correspondientes y se acuse el recibo.

Cuatro. Dos comunicaciones de D. José Zamora fecha 12 participando en la primera que en la semana anterior ascendio la saca de metal en Trinidad à cincuenta y cuatro cargas: participa el denuncio hecho dela misma mina por D. José Maria Madariaga, y que se habian labado en la semana anterior trescientos quintales de metal quedando en salmuerados trescientos cincuenta y que por ultimo necesitaba para la raya de trescientos cincuenta pesos. Con la segunda acompaña las memorias num. 36, y la boleta n. 10 de aquella negociacion.—Recibo y à la Contaduria. En carta particular insiste el mismo en que se le pase la visita que tiene pedida.—La Junta acordó q. no considerando necesaria tal visita omite el gasto que ella importaria y agradese las noticias que le dá y que continue comunicandoselas.

Cinco. De D. Miguel Quiñones f'ha. 12 remitiendo la cuenta de los gastos que presentó la Secretaria del Tribunal de Tasco, pidiendo se mande pagar asi como la del perito D. Celso Muñoz.—La Junta acordó que se mande pagar al S. Zamora esta última, devolviéndose al S. Quiñones la primera en razon de que el mismo dice que deben hacerse de ella algunas deducciones y no puede servir de comprobante para la contaduria mayor dho. documento advirtiéndole que no se puede pagar mientras no venga esacta y que las otras partidas se documentaran en otra cuenta.—una rúbrica—otra rubrica—otra rúbrica.

—

Sesion del 18 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 17, se dio cuenta con dos informes de la contaduria relativos à la deuda del S. Cataño: en el primera la junta acordò de conformidad previniendo que se le devuelvan los documentos que no prueban bastante el entero de las sumas que resan, q. queden en la Contaduria los pertenecientes á las cantidades que crea abonables dicha oficina y que se inserte el dictamen al S. Cataño. En el segundo acordó que se oficie al apoderado en el Parral insertandole el informe é instruyéndole del asunto de manera que puede verificar cuanto antes el cobro.

Se leyo otro dictamen de la misma contaduria relativo à la ultimo contestacion del S. Monterde apoderado que fué de Chihuahua.—La junta acordó que se suplique à dicho Sor. se acerque á esta oficina en donde se le impondrá del mencionado dictamen y de lo demas que sea conveniente p^{a}. la terminacion de este asunto.

Se dio cuenta con las dos siguientes comunicaciones. Pri-

mera del Juzgado minero de Angangueo de 11 del corriente pidiendo à la junta recabe del Gobierno declare libre su correspondencia oficial.—La junta acordó que se le diga: que habiendo solicitado ya en otra vez la francatura de la correspondencia de los Juzgados, el supremo Gobierno no ha tenido à bien acceder à ella.

Segundo. D. José Antonio Nieto acompañando una carta del S. Barroeta en que participa el buen estado del laboreo de Guadalcazar y la poca duracion de las retortas de fierro que trajo el Señor Tobin á fin de que se tomen las debidas precauciones en el aparato del D. Ure.—La junta manifestó al S. Nieto que probablemente dicho aparato vendrá ya en camino y por consiguiente es indispensable que se resuelva si toma ó nó el dicho aparato y contestó que à vuelta de correo contaduria.—una rubrica—otra rubrica—otra rúbrica.

—

Sesion del 21 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 18, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones f ha 19, insertando el oficio del Ministerio de Hacienda en que accediendo à las indicaciones de la Junta participa que el supremo Gobierno ha dispuesto que las ecisistencias del fondo de azogue continuen empléandose como se habia mandado en fomento del colegio y pidiendo en clase de prestamo del fondo dotal la cantidad de veinticinco mil pesos.

Los SS. Bassoco y Flores estubieron de acuerdo en que se debia representar manifestando al Gobierno que sin que se entendiera que la Junta desconozca la urgente necesidad que hay de que todos contribuyan à la defensa nacional del modo que les sea posible, sin embargo considerando el origen y actual situacion del fondo dotal no se creen con facultades suficientes de sus comitentes para emplearlo en ningun otro objeto de aquellos à que lo destinó la ley, y despues de una detenida discusion asi se acordó no obstante las observaciones que espuso el S. Segura, el q. salvó su voto presentando una protesta q. pidio constase en el acta y manifestó que remitiria el Ministerio juntamente con el oficio acordado.

La Junta acordó en cuanto á lo primero que se insertase en el acta dicha protesta y con respecto á lo segundo que el Sor. Segura podia remitir como individuo de la Junta las comunicaciones q. creyese convenientes, paro que la Junta no podia autorizar las protestas que hiciese contra los acuerdos de la

mayoria. En consecuencia la protesta de que se trata es la sig^te^.—El que suscribe aunque con sentimiento se vè en el caso de protestar que su opinion difiere de la de sus apreciables compañeros. La suya es que en las presentes penurias y aflictivas circunstancias en que se encuentra el erario público debe proporcionarse al Supremo Gobierno el prèstamo que solicita del fondo dotal propiedad de los mineros en cantidad de vienticinco mil pesos; que no habiendo esta cantidad en arcas se remita á la Tesoreria la existencia y se complete el dicho prèstamo con el primer dinero de que pueda disponer la Junta: que juzga escusado antes de obedecer la orn. del supremo Gobierno el hacer esas muy bnenas observaciones que obran à favor del mismo fondo y de los intereses del propio Gobierno; por que en la sabiduria de éste se han pesado y el fiel de la balanza inclinado acia el bien público cuando peligra por la guerra mas injusta el mas precioso de los dones cual es el de la independencia nacional, le han hecho dictar una orn. que en el acto debe ser acatada, sin perjuicio de manifestarle cuando se halle cumplida todo lo conveniente: que este es su voto el que pide quede consignado en el acta del dia como tambien que el reparto que se esta haciendo debe suspenderse para que estas cantidades se empleen en el préstamo solicitado y que si se continua haciendo se entienda tambien que salva su voto en dicho acuerdo.

Se dio cuenta en seguida con un oficio del Tribunal de Guanajuato insertando la solicitud de D. Ygnacio Portu como uno de los interesados en la venta de la mina del Toro para que se le satisfagan trescientos cincuenta pesos que se le restan.—La Junta acordó que informe la mesa de fomento.

Otro de D. Fernando Pohls, fha 18 acompañando una letra de cuatro mil novecientos cincuenta ps. siete rs. un grano por productos de mineria del mes de Ag^to^.—Que se reconozca la letra, se hagan los debidos asientos y se acuse el recibo.

Del comisionado en Pachuca fha 19, acompañando en libranza mil quinientos cincuenta y nueve pesos un real por producto liquido de los derechos de mineria en el mes pasado y recayó el mismo acuerdo que en el anterior.—Finalmente otro de 16, del corriente del comisionado en S. Luis remitiendo la cuenta y nota del barreage del último trimestre.—Se acordó pasarla à la contaduria.

Se acordó que constase en la acta como dictamen de los SS. Flores y Bassoco el oficio que en contestacion se puso el Gobierno y dice asi.—„ Esta Junta recibió ayer Domingo 20, el oficio que V. E. se sirve pasarle con fha 19, trascribiendo el del E. S. Ministro de Hacienda del mismo dia en el cual se comunica à la junta que el E. S. Gral el Gefe en ejercicio del

supremo poder ejecutivo habia tenido a bien acordar en vista del oficio de f ha 12, se dé al fondo establecido para el fomento de las minas de azogue, el destino à que está consignado en beneficio de la instruccion pbca. pero que siendo las graves penurias del erario tan conocidas y perentorias, el supremo Gobierno necesita que del fondo dotal se le haga un préstamo de veinticinco mil pesos en la inteligencia que se acordará el pago á la mayor brevedad.

Por nada del mundo quisiera la Junta q. ni por un momento pudiera pensarse que ella desconoce la urgente necesidad de que todos los que tengan en algo la nacionalidad Mexicana se apresuren á concurrir en su defensa del modo que à cada uno sea posible; p°. cree tambien que faltaria ó la confianza que los mineros y acreedores al fondo dotal depositaron en sus mandatarios, y aun se haria indigna del aprecio del mismo supremo Gobierno, si dejara de hacer las observaciones que pasa a manifestar.

El fondo dotal consiste en el pago de un real por marco de once dineros q. con autorizacion legal se impuso el cuerpo de Mineria para formarle y q. como caudal propio suyo segun los términos de la cedula respectiva le ha administrado por medio de sus representantes con entera inhivicion de las rentas públicas del Estado. Bajo tales garantias solicitó y le prestaron varias personas, cantidades considerables á depósito irregular con hipotecas del mismo fondo debiendo hoy à estos capitales mas de diez y ocho años de reditos. Esto es lo que constituye la deuda del cuerpo de la que dimana que forme parte de la junta el Apoderado de los acreedores.

Esta ligerisima indicacion es bastante à nuestro juicio para probar que el fondo dotal es una propiedad particular y está en el caso de ser tratada y gravada como las demas sin que aparezca motivo para q. este sujeta á otras ocupaciones y el Gobierno por consecuencia sin duda de estos principios, si bien la ha comprendido en alguna contribucion no la ha ocupado en cantidad alguna desde 1842, no obstante que en el mismo periodo ha tomada varias que forman una crecida suma del fondo de azogue que por su naturalesa es nacional y público.

Sin embargo de la incolumidad del fondo dotal durante aquel tiempo y à pesar de los esfuerzos con que la Junta ha procurado mejorar su administracion consiguiendo en ella mejoras de no poca importancia; de tanta trascendencia y de tan funesto influyo fueron las ocupaciones sufridas en tiempos anteriores que no ha podido relevarse del abatimiento y postracion en que le pusieron. La hipoteca es buena; la administracion pura y bastante económica y sin embargo el precio de los créditos bajo en demasia, cuyo mal solo se debe à la causa q. dejamos indicada.

Esta consideracion Sor. Exmo. es la q. nueve á la junta á proferir que los individuos y corporaciones que tienen capitales en el fondo sean gravados mas bien por otras contribuciones á derramas que no en los créditos que aqui tienen puesto q. sobre la erogacion que en ellos sufririan habrian de resentir en lo succesivo el funesto resultado de q. su valor bajase aun mas de lo que en el dia ha bajado. Los Apoderados de mineros y acreedores no tienen ciertamente mas facultades respecto del fondo dotal en virtud de las leyes de la creacion de este cuerpo que las de administrarle y aplicarle à los objetos que ellas mismas demarcan, y ni unos ni otros juzgarán que sus mandatarios han cumplido con su deber si dejarca de presentar estas observaciones á una administracion tan ilustrada como la presente. Repite pues que solo el deseo de llenar cumplidamente sus deberes es lo que la precisa à espresarlo que lleva manifestado; por lo demas como particulares se han prestado y estan dispuestos à hacer en las criticas circunstancias del dia todo lo que el estado de sus negocios les permita.—La Junta protesta à VE. las seguridades de su distinguida consideracion y aprecio.—dos rubricas.

—

Sesion del 22 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 21, se dio cuenta con las siguientes comunicaciones de D. Josè Zamora fha 19, del corrte:

Primera. Acompañando las memorias num. 87, y la boleta de beneficio numº. 11.—Recibo y à la Contaduria.

Dos. Participando que la saca de metal vá en aumento, que habia suspendido las labores del socabon por falta de pólvora que no habia en aquella administracion, pidiendo se le diga si podrá remitírsele de esta capital y por último que necesita para la raya de la semana entrante cuatrocientos cincuenta pesos.—De enterado y que se informe de la administracion si hay pólvora de minas y à que precio para avilatar la mina de Trinidad.

Tres. Acompañando testimonio de la vinta que hizo el Tribunal de Tasco en 10 de Febrero á la mina de Trinidad.—Que se dé conocimiente al S. Lic. Barreda.

Cuatro. Acusando recibo de los seis quintales de azogue que se le remitieron ultimamente y preguntado su importe.—Que se le diga cual fuè.

Otros tres finalmente avisando haber girado tres libranzas bajo los num. 54, por valor de sesenta pesos á favor de D. Antonio Herrera, 56, valiosa trescientos à favor de D. Leonardo

Maldonado y 57, de cuatrocientos sesenta y cuatro pesos al D. Rodriga Solarez.—Que se pague.

Un oficio de D. Miguel Quiñones fha. 19, instando por el pago de los derechos de aquel Tribunal y del perito que hizo la visita.—La junta acordó que se estè à lo resuelto anteriormente en ambos asuntos.

Se acordó por último se remita la tornaguia de las barras procedentes de Tasco y el pero de ellas.—una rubrica—otra rúbrica.

—

Sesion del 24 de Setiembre de 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 23, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia del 23, pidiendo licencia temporal para que el srio. D. Jose Mª. Castera se encargue de una comision temporal que el Gobierno ha tenido à bien confiarle, en el concepto de que oportunamente volverá à servir la secretaria de la Junta. Ella acordó la licencia y que se conteste al Gobierno estar obsequiada su orden.

Dos. Del encargado de la recaudacion de Guanajuato remitiendo lo cuenta y documentos del segundo trimestre de este año.—A la contaduria y que se le acuse recibo.

Tres. Del encargado de Zacatecas remitiendo la cta. y documentos por el proprio trimestre, à la que recayó el mismo acuerdo.

Cuatro. Del comisionado en Guaymas remitiendo un Certificado de mil trescientos ocho pesos q. enteró aquel Departamento D. Pablo Rubio.—A la contaduria.

Se acordó acusar el recibo de siete mil doscientos sesenta y dos ps. siete rs. tres gs. por las seis barras de Tasco que se le vendieron en su valor al S. D. Zavier Echeverria.

Se dio cuenta con el informe de la mesa de administracion y el de la contaduria en que promueve se estienda un poder especial al S. Bermejillo pª. que pueda ecsijir las cuentas pendientes al Admor. de Morelia D. Joaquin Caballero.—La junta acordó de conformidad y que se le inserten los dos informes pero el de la mesa hasta la palabra *por si fuese necesario* dandose orn. à la Tesoreria para q. satisfaga el importe del poder al escribano.

Se mandó satisfacer un recibo de seis pesos del Lic. D. Cástulo Barreda para francatura y certificacion de un pliego con documentos que tuvo que dirijir para el Juzgado minero de Tasco y diez ps. que importó el estraordinario que tuvo q. po-

nerse pª. una comunicacion urgente que se remitio al mismo mineral.

Se dio cuenta por último con una comunicacion del E. S. Director del Colegio à la que acompaña el oficio del Ministerio de Relaciones en que se le manda entregar la Direccion al Catedrático del mismo D. Andres del Rio nombrado interinamente para sustituirle y la contestacion q. dio á dicho Ministerio.—La Junta acordó q. insertandose al Gobierno los artículos de la ley q. habla del modo de sustiluir al Director, dandole conocimiento del oficio del S. Tornel para q. se sirva resolver en que caso se halla la separacion de este Señor, y que la junta pueda ejercer respectivamente las atribuciones que la ley le comete.—Dos rúbricas.

—

Sesion de 28 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 24, se dio cuenta con las comunicaciones siguientes:

Cuatro del ministerio de Justicia fha 22 del corriente acusando recibo de los estados corte de caja pertenecientes á los meses de Abril a Julio.—A su espediente.

Otra del E. S. Director del Colegio fha 24 en que pide se le anticipen novecientos pesos del fondo de azogue para el pago unas colecciones q. compró para el museo, los que abonará à razon de trescientos ps. cada mes en Octubre Novᵉ. y Diciembre del corriente año.—Se acordó que se anticipen.

De D. E. Schleiden en Trojes de Anganguco á 24 del corriente participando haber pasado la causa del S. Lopez Romano à la Comandancia general.—A su espediente.—Dos rúbricas.

—

Sesion del 29 *de Setiembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 28, se leyeron las siguientes comunicaciones:

Primera. De D. Rafael Olascoaga escusandose de haber formado la fianza de Lebrija como dependiente de D. Jose M. Gonzales pues q. no tiene bienes proprios.—Se acordó que el mismo Señor Bassoco se encargaria de averignar si en efecto es cierta la insolvencia.

Dos. De D. Miguel Quiñones pidiendo se le remitan cien pesos que necesita para pagar al Acesor y otros pequeños gastos entre tanto q. con vista del espediente puede comprobar la

cuenta q se le devolvio.—La Junta acordó que se diga al S. Zamora puede entregarle dicha cantidad si lo juzga conveniente y que se pida al Sor. Barreda la noticia del resultado del ocurso q. se remitio por estraordinario á Tasco.

Tres. Cinco del S. Zamora f ha 26, del corrte. acompañando á la primera las memorias num. 38, de aquella negociacion.—Recibo y a la contaduria. Avisando en la segunda haber entregado trescientos veintidos pesos de sus honorarios á D. Celso Muñoz: que se habian labado en la semana cuatrocientos quintales de metal ixtajal y que se necesitaba p^{a}. la raya cuatrocientos cincuenta ps.—De enterado. Con la tercera acompaña el presupuesto de los gastos y utilidad que podrá tener el laborio de los posos de la Purísima y de Dolores en el socabon de Guadalupe, supuesto que las leyes sean de la misma clase que la que se está sacando actualmente y que la saca llegue à dos cientas cargas semanarias.—La junta acordó se le conteste diga si no hay inconveniente en q. se emprenda primero el laborio de un poso y despues el del otro en cuyo casa puede emprender desde luego el laborio del que le paresca mejor avisando à la junta en caso contrario. Adjutando à las dos ultimas las letras num. 58 y 59, valiosa la 1^{a}. trescientos cincuenta pesos à favor de D. Teodoro Chaves y trescientos veintidos la segunda al de D. Rafael Zarate.—Que se paguen.—Dos rúbricas.

—

Mes de Octubre de 1846.

Sesion estraordinaria del dia 4.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con un oficio del Ministerio de Hacienda f ha 3 en el que manifiesta que à pesar de las reflecciones q. hizo la junta pasa no entesar los veinticinco mil pesos que en clase de prèstamo le pidió del fondo dotal en 19, del pasado el E. S. Gral. en ejercicio del poder ejecutivo habia prevenido que se enterasen en la Tesoreria gral. en el mismo dia no obstante ser feriado pues de no verificarse asi el supremo Gobierno se veria obligado à tomar otra clase de providencias que descaba esensar. La junta acordó q en materia de tanta gravedad se debian citar inmediatamente a los SS. Consultores para vir su opinion y en efecto se mandaron citar en el acto por oficios suspendiéndose entre tanto la sesion.

Los SS. Gordoa y Delmote contestaron de palabra no podian concurrir por hallarse enfermos y habiendose presentado el S. Fagoaga continuó la sesion.

La junta impuso à dicho Sor. de los oficios que han mediado sobre el asunto entre el supremo Gobierno y ella. Sus indi-

viduos manifestaron su opinion muy detenidamente y despues de una detenida disienson convinieron en que se citase á los acreedores al fondo dotal para darles cuenta de lo acaceido y que personalmente se acercasen al E. S. Ministro de Hacienda manifestándole q. no teniendo otras facultades para el manejo del fondo dotal la apoderados de los mineros y acreedores que la de recirbir y distribuir los candales conforme à la ley se creia indispensable ocurrio à la junta de acreedores p^{a}. q. resuelva à fin de evitar todo responsabilidad si bien el S. Segura insistió en que manifestaria su opinion particular de que se entregase dha cantidad al Gobierno en todo caso conforme fuese entrando en sus arcas, suspendièndose el pago del tercio que se está satisfaciendo. Y asi se acordó.—Dos rúbricas.

—

Sesion del 5 *de Octubre de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y aprobada la acta del dia 4 se dió cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Justicia f ha 2, participando haber accedido el Gobierno á la solicitud del S. Director interino del Colegio para que se le entreguen las cantidades que dá la la Junta para el colegio al mayordomo del mismo ó á la persona à quien comisione.—La junta acordó que se le conteste que entregará al que sea mayordomo del Colegio con el V^{o}. B^{o}. del Director como lo ha hecho hasta ahora y como está prevenido en el reglamento el que señala lo causion q. debe dar el mayordomo.

Dos, de la Direccion del Colegio f ha. de hoy pidiendo la orn. correspond^{te}. para que se aenda al alumno de dotacion D. Josè M. Gomez del Campo que para à practicar en el mineral del monte con los veinticinco ps. designados por la ley y se le recomiende al Tribunal de Pachuca y al Director de la compañia inglesa.—La junta acordó de conformidad.

Tres. De D. Manuel Mariano Cortazar f ha. 29, participando no haber conseguido hasta ahora la fianza del Director de la compania Ynglesa.—La junta acordó que se le diga q. espera la recabe cuanto antes á la sustituya con otra persona.

Cuatro. Del encargado de la recaudacion de Cualiacan remitiendo una letra de catorce ps. un real por productos del derecho de mineria pertenecientes al mes de Agosto.—Que se reconosca y cobre la letra, se hagan los asientos correspond^{tes}. y se acuse el recibo.

Cinco. Del comisionado de Guadalajara participando que el S. D. Jose M. Garay se rehusa á hacer los abonos á que se comprometió.—Se pasó à la mesa para informe.

El Sor Bassoco manifestó que Don Rafael Olascoaga á quien le habian abonado en Toluca para fiador de Lebrija tenia en efecto bienes bastantes para pagar los cincuenta ps. del abono que resta; pero que habiendo otro D. Rafael Olascoaga dependiente de D. Josè Mª. Gonzales fue el que firmó la fianza.— Dos rubricas.

—

Sesion del 7, de Octubre de 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior la sria manifestó que el S. Director del Colegio pedia un ejemplar de las ordenanzas de mineria para el alumno del colegio D. Jose M. Gomez del campo que debe salir para su práctica en el mineral del Monte el dia de mañana y la junta acordó que se le mandase entregar.

Se leyeron en seguida la comunicaciones sigtes:

Primera. Del Tribunal minero de Tasco fha 12 del pasado remitiendo la matricula de los mineros de aquel Distrito que no habia podido mandar desde Fbo. por recargos de ocupaciones y falta de escribiente.—De enterado y que se acuse recibo.

Dos. Nueve oficios de D. Jose Zamora fha. 8 remitiendo con el primº. las memorias num. 39, los estados num. 9, y el corte de caja de fin de Setº. pertenecientes a la negociacion de Tasco.—Recibo y á la Contaduria. Participando en el segundo que la mina continua sin novedad: que para evitar los robos habia mandado poner dos puertas en la boca del socabon de Guadalupe y otras dos en la mina de Trinidad: que quedaban incorporadas tres partidas en la Hacienda y que para la raya de esta semana necesitaba de cuatrocientos cincuenta ps.—De enterado. En el tercero avisa que ha comensado el laborio del poso que está mas cercano á las labores actuales y que servirá de ensayo para el otro conforme à la indicacion q. se le hizo.—De enterado. En el cuarto manifiesta haber entregado á D. Miguel Quiñones cien pesos para gastos judiciales.—De enterado y á la Contaduria, y en los cinco restantes avisa haber girado la letra nº. 60 valiosa trescientos ps. à favor de D. Rafael Zarate, la 61, valiosa doscientos a favor del mismo, la 63, valiosa cincuenta a favor de Jorge Raffard, y por último la 64, importante ciento cuarenta y cinco ps. cuatro y medio rs. á favor del E. S. D. Franco. Modesto Olagnivel. Y se acordó que se pague.

La Tesoreria presentó la cuenta de lo recaudado por las viviendas del colegio en el mes anterior, y se acordó parase á la contaduria.

En vista de las contestaciones tenidas con el S. Ministro de

Hacienda en lo verval y de lo acordado por la junta de acreedores citada por el S. su apoderado y verificada el dia anterior, cuya acta original se agregó al espediente y se puso al fué; La junta acordò se remitieren al supremo Gobº. los veinticinco mil pesos en clase de préstamo de pronto reintegro con los productos de las nuevas contribuciones que pidio desde 19, del pasado remitiéndose á ó la Tesoreria general por no haber numerario veinticuatro mil ochocientos diez pesos cinco rs. seis y medio granos en letras contra la casa de los SS. Manning y Mackintosh.—Dos rubricas.

—

Sesion del 9 de Octubre de 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 7, se dio cuenta con las siguientes comunicaciones:

Primera del Ministerio de Relaciones fha 5, del corriente sobre que habiendo nombrado à D. Andres del Rio para que visite al Colegio se le remita un cuaderno con el informe de los SS. Bustamente Laenza y Varela que el ministerio remitiò á la junta.—Ella acordó que se remita el proyecto de ley para el arreglo del colegio y que se diga asi al supremo Gobierno, advirtiéndole que no se ha recibido ningun informe.

Dos. Del mismo Ministerio del dia de ayer acusando recibo de los estados cortes de caja de los meses de Agosto y Setº.— A su espediente.

La Sria. manifestó una carta del Lic. D. Castulo Barreda pidiendo ciento cincuenta pesos por cuenta de sus honorarios ofreciendo pasar las cuentas ya arregladas en la semana entrante para que las revise la contaduria.—La junta acordó que mande su recibo el dia de mañana para que se le entreguen.— Sin rúbricas.

—

Junta de acreedores.

Senores que han concurrido á la Junta habida en el salon de actos del dia 7, de Octubre de 1846 con motivo del pedido de veinticinco mil pesos hecho por el Gobierno.

S. D. Franco. Fagoaga por si q la Señora Doña Faustina.
S. Dr. Rojas por la parroquia de S. Pablo.
Sor. Lombardini por la testamentaria del Señor Santiago.
Br. D. Mariano Picazo por el S. Obispo de Cesarea.
D. Rafael Diaz por las aniversarios de Catedral.
S. Escalante por Santa Ysabel.
S. Mackintosh.

SS. Agüero Gonzalez y Compª. por si y los Señores Yturrigarais.

D. Juan M. Flores pbr si y la Sra. Ferán.

D. José Rafael Berruecos por los Arnares y Gomez del Castillo.

D. Franco. Mª. de Yturbe.

D. Ygnacio Cortina Chaves.

D. Donato Monterola por la Sra. Aniesola.

D. Ygnacio Fainaga por la testamentaria de la Sra. Fauregui.

D. Eladio Ramon del Rivero por D. P. Fáuregin y D. Franco. la Yglesia y Larrae.

La Señora Dª. Ramona Ordoñer.

D. José Fernandez por el Pº. Prietas.

D. José Joaquin de Rozas por si y la mesa de Burgos.

D. José Maria Bassoco.

Dada cuenta con todas las notas del Gobierno y contestaciones de la Junta hizo la siguiente proposicion por el S. Flores.

Que el apoderado de los acreedores en compañia de otro acreedor que nombre la junta pasen à hablar con el E. S. Ministro de Hacienda esponiéndoles cuantas razones les ocurran para que se sirva disminuio cuanto sea posible la cuota del pedido.—Se aprobó despues de discutida.—Se nombró al S. Lic. D. José Rafael Berruecos—Se levanto la sesion—Josè Mª. Bassoco apoderado de los acreedores—Donato Manterola—Franº. Yturbe—Agüero Gonzalez y Cª. Manning y Mackintosh—Antonio Algara—Juan M. Flores—Ygnacio Cortina—Franco. Fagoaga—José Rafael Berruecos—Ygnacio Fainaga—Pedro Rojas—Mariano Picazo—Eladio Ramon del Rivero—Josè Fernandez—Atenógenes Mª. Lombardini—Rafael Diaz—Franco. Veles de Escalante—Josè Joaquin de Rozas.

Es copia Mèjico Octubre 13 de 1846.

—

Sesion del 13 *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con las comunicaciones siguientes:

Primera. Del S. Director interino del Colegio fha de hoy pidiendo se manden entregar en Guadalupe y Calvo los veinticinco pesos de la asignacion del alumno D. Josè M. Gomez del Campo que ya no vá al mineral del Monte sino á dicho punto á verificar su pràctica y se acordó de conformidad.

Dos. Del Juzgado minero de Pachuca á 7, del corriente insertando un oficio del Director de la compañia Ynglesa para

que se pida la escepcion del servicio en la Guardia Nacional à todos los dependientes y empleados en las minas.—La Junta acordó que pudiendo cumplir la ley los empleados y dependientes mineros que no estan esceptuados en la clase de contribuyentes está evitado el inconvemiente que indica el S. Director de la Compª. Ynglesa, pudiendo conseguerie que la contribucion sea de la infima clase y que la Junta no tendria embarazó en pedirlo asi al E. S. Gobernador del Estado si se creyese necesario.

Tres. De la Tesoreria gral de la federacion del dia 8, manifestando la dificultad que presentaba la casa de los SS. Manning y Mackintosh para el pago de las Libranzas que se giraron contra ella para el prestamo pedido por el supremo Gobierno. —Se pidio que se agregue à su espediente por haberse allanado posteriormente lo dificultad que se presentó sobre el descuento de las letras.

Cuatro. Del encargado de la recaudacion en Chihuahua en 19 del pasado remitiendo en cuatro notas la noticia de lo recaudado en dicho capital y Jesus Maria por los meses de Julio y Agosto y una letra de ochocientos diez y siete pesos siete rs. tres gs. q. importa el total.—Que se reconozca la letra, se hagan los asientos respectivos y se acuse el recibo.

Cinco. Del mismo fha 22 remitiendo unos documentos que pidio la contaduria.—Se pasen à la misma.

Seis. Del de Durango de 2, del corriente remitiendo seiscientos cuarenta y dos pesos noventa y tres centavos del derecho de mineria por el mes de Setiembre.—Que se reconosca la letra, se hagan por la contaduria los respectivos asientos y se acuse el recibo.

Siete. Del de Zimapan del 1°. del corriente remitiendo ciento treinta y un pesos cuatro rs. nueve gs. pertenecientes al mes pasado.—Que se reconozca y cobre la letra se hagan los debidos asientos y se acuse el rbo.

Ocho. Del Admor. de la Aduana maritima de Veracruz del dia 8, remitiendo el pro rateo q. hizo del importe de los gastos del protesto de las libranzas que no aceptó la casa de los SS. Serment y Compª.—A la Contaduria.

Nueve. De los SS. Manning y Mackintosh de 9, del corriente escusándose del descuento que à razon de $\frac{1}{8}$ tiene que hacer de las libranzas que endozó la Junta á favor del Gobierno. —Se acordó q. se archive por haberse convencido ya de estar obligados á ella, y de haber convenido posteriormente en el descuento.

Diez. De los mismos contestando à la nota relativa de la Junta que por muerte del S. Villett quedaban encargados de la recaudacion los SS. D. Jorge Lebrun y D. Luis Belangé.—A su espediente.

Once. Cuatro de D. José Zamora del dia 10, remitiendo con la primera las memorias num. 12 y 13, de la negociacion de Tasco.—Recibo y à la Contaduria. Avisando en la segunda que la mina continua en el mismo estado, que se han labado trescientos quintales de ixtajal quedando ensalmuerados otros tantos del socabon de Guadalupe: que para la raya necesita cuatrocientos cincuenta ps. y q. tendrá que suspender los trabajos del laboreo sino se le remite la pólvora que pidiò pues à pesar de su empeño no ha podido encontrarla por allá.—De enterado: que se pidan tres quintales al S. Director de rentas estancadas bien sea en Méjico ó en cualquiera punto mas cercano à Tasco: que se averigüe si lo hay en Cuernavaca y que se diga asi al S. Zamora. Avisando en las dos últimas haber girado à favor de D. Antonio Herrera las letras num. 65, valiosa setenta y nueve pesos ûn rl. ocho gs. y la 66, por valor de ciento setenta y siete ps. dos rs. cuatro y medio gs.—Que se paguen.

Se leyó un dictamen de la mesa de q. consulta se diga al encargado en Guadalajara cobre al S. Garay los abonos mensuales con proporcion al sueldo q. disfrute y al que tenia cuando ofrecio abonar cuarenta pesos en cada uno.—La junta acordò de conformidad.

La Sria. participò que el E. S. D. Joaquin Yturbide como apoderado del S. Barroeta habia avisado que el aparato de destilacion lo recibiria en Méjico.—A su espediente.—Dos rúbricas.

—

Sesion del 15 *de Octubre de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del 14, se dio cuenta con las comunicaciones siguientes:

Primera. Del comisionado en Zacatecas de 8, del corriente acompañando una libranza de cinco mil ciento cuarenta y cuatro pesos, por productos del derecho de mineria en el mes pasado con mas dos recibos del Alumno D. Agustin Ayala y un certificado de aquella Administracion. Se acordó que se reconozca la letra, se hagan los respectivos asientos, se pasen los documentos à la Contaduria y se acuse el recibo.

Dos. Del de Culiacan à 26 del pasado remitiendo una letra de doscientos treinta y nueve pesos tres rs. dos centavos por productos de Cozalá en el mes de Agosto y otra de doscientos ochenta y seis pesos cuatro rs por productos de Alamos en el mismo mes.—Que se reconoscan y cobren dichas letras, se hagan los respectivos asientos y se acuse el recibo.

Cuatro. De la Direccion gral. de rentas estancadas contestando al oficio en que se le pidieron tres quintales de pólvora los que se entregarán à razon de dos y medio rs. libra al contado. Se acordó contestar que se ha escrito al Admor. de Tasco para que mande por dicho efecto en los términos indicados y que asi se diga al S. Zamora.

Se leyó un informe de la mesa de Administracion en que manifiesta que puede considerase compensados los veintiun pesos que reclama el S. Robles por haber entregado en Méjico setecientos catorce pesos cuando debia haberlo hecho en Guanajuato con los veintidos ps. que resultan en su contra por lo demora del pago de dha cantidad en el espacio de seis meses.—La junta acordó de conformidad y que asi se diga en contestacion al Sor. Robles.—Dos rúbricas.

—

Sesion del 19, *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 15, se dio cuenta con las comunicaciones siguientes:

Primera. De D. José Zamora f ha 6, del corriente avisando que remite al arriero Fiz por los tres quintales de pólvora que tiene pedidos.—La Sria. participò que se le habian entregado y pagado á la Direccion cien pesos medio rs. á razon de dos y medio la libra el importe del embase.

Dos. Del Gobierno del Estado de Guanajuato acusando recibo de la recomendacion que se le remitiò à favor del S. Cortazar.—Que inserte al interesado.

Tres. De D. Andres del Rio devolviendo el proyecto presentado por los SS. Bustamante, Lacunza y Varela.—A su espediente que está en poder del Sor. Segura.

Cuatro. Del comisionado en Guanajuato de 16 del corriente remitiendo una letra de cuatro mil ochocientos ochenta y tres pesos siete rs. nueve gs. (4, 883 p. 7 r. 9 gs.) por productos de mineria del mes pasado.—Que se reconosca la letra. se hagan los debidos asientos y se acuse el recibo.—una rúbrica.

—

Sesion del 20 *de Octubre de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del 19, se dio cuenta con las comunicaciones siguientes:

Primera. Del comisionado en Pachuca acompañando una letra de mil ochocientos treinta y un pesos dos rs. productos

del derecho de mineria del mes pasado.—Que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Dos. Cuatro del S. Zamora fha 17, acompañando con la primera las memorias num. 41, y la boleta de beneficio n°. 14. —Recibo y á la Contaduria.

Participando en la segunda las labores hechas en la semana anterior: que necesita de diez quintales de azogue y de otros diez de Sulfato y que en la semana vá à hacer seis barras de plata. De enterado y que se solicite el azogue y el Sulfato. En las dos ultimas avisa haber girado dos libranzas la num°. 67 valiosa doscientos veintisiete ps. á favor de D. Jorge Raffard y la 68 por valor de sesenta y seis pesos á favor de D. Antonio Herrera.—Que se paguen.—Dos rúbricas.

—

Sesion del 23 *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 20, se leyó un oficio del Sr. D. Vicente Segura como comisionado para el cobro de los arrendamientos de esta mazana manifestando que la Junta debe mandar enterar camo apoderado de los propietarios del edificio la cantidad de doscientos cincuenta pesos por cuartas partes y ademas ciento cuarenta y tantos pesos por los entresuelos y accesorias que alquila.—La junta acordó que se entere á dicho S. Comisionado la cuarta parte correspondiente à los doscientos cincuenta, y q. informe la contaduria sobre la suma esacta à q. ascienden los arrendamientos de entresuelos y accesorias.

Se acordó igualmente que se remitan á la Contaduria mayor los cuentas de los fondos Dotal y de Azogues en el estado en que se encuentran, y en consecuencia se remitieron con sus correspondientes inventarios dichas cuentas comprencivas al año ant°. y algunas otras atrazadas de los recaudadores de ambos fondos incluyéndose ademas las relativas al colegio por los años de 44 y 45.—Dos rúbricas.

—

Sesion del 25 *de Octubre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 23, se dió cta. con las comunicaciones siguientes:

Primera. Del Tribunal de revision de cuentas fha. 24, remitíendo el recibo de las cuentas y documentos que se le remitieron y firmado el correspondiente inventario.—A su espediente.

Dos. Del comisionado en S. Luis Potosi del dia 21, remitiendo una libranza de mil novecientos cuarenta y siete pesos veintiun centavos por productos de aquel Estado pertenecientes al mes pasado.=Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. De D. Jose Zamora fha 24 remitiendo con la primera las memoria num. 42, y la boleta de beneficio nº. 15.=Recibo y á la Contaduria.=Participando en la segunda que por la falta completa de pòlvora, no se pobló la mina con barretero alguno: que en una de las labores quedó la veta de una vara de ancho: participa las labores verificadas en la Hacienda y por último q. para la raya de esta semana necesita de quinientos pesos.=De enterado. Avisando finalmente en la tercera haber girado la letra nº. 63, valiosa cuatrocientos pesos á favor de D. Leoncio Blanco.=Que se pague.

El mismo S. Zamora en carta particular al Sor. Presidente le manifiesta el estado del pleito sobre el denuncio de Madariaga y se acordò se inserte al Lic. Barreda invitándolo para que venga á informar à la junta sobre las ultimas actuaciones. Dice despues q. no es posible sea tan baja la ley de la platá que remitio y q. por lo mismo seria bueno para otra vez mandar ensayar el sobrante de los bocados por si hubiese algun equivoco. Anuncia por último que sabiendo se habian verificado algunos robos en los últimos dias en el camino tomaria sus informes antes de remitir las barras.=Sin rúbricas.

—

Sesion del 28, *de Octubre de* 1846.

Asistieron los SS. Segura Flores y Bassoco. Despues de aprobada la acta del dia 25, se dio cuenta con un informe de la contaduria en que designa la cantidad de ciento cincuenta y tres pesos como producto de los alquileres que cobra mensualmente de las fincas pertenecientes al colegio para que sobre esta suma se tire la cuenta de la contribucion que debe pagar la Junta conforme la ultima ley de la materia, á mas de los doscientos cincuenta ps. en q. se computó por el S. Comisionado de la manzana por la parte del Colegio.=La junta acordò de conformidad y se mandaron entregar á la oficina de contribuciones directas ambas sumas.

Se leyó un oficio del Ministerio de Relaciones fha 23 en que participa que el E. S. Gral encargado del supremo poder ejecutivo previene q. cualquiera que sea el vocal de la Junta facultativa del Colegio que desempeñe la Direccion, se le aenda con el sueldo de mil quinientos pesos anuales. La Junta acordó que se consulte al Gobierno si la orden mensionada debe enten-

derse como ella lo entiende en el caso de que no haya Director; pues de otro modo resultarian gravados los fondos, y lo segundo si los mil quinientos pesos han de satisfacerse o dicho vocal à mas del sueldo ò sueldos q. disfruta por los cátedras q. sirva.

Se leyo un oficio del Juzg°. 2°. de lo civil sobre la distribucion que ha hecho del capital que reconoce la Junta á D°. Maria Josefa de la Torre Perez Villalobos y se mandó pasar á la Contaduria la que informò en el acto y la Junta acordó se insertase al Tribunal pidiendole las aclaraciones convenientes.

Se dio cuenta por ultimo con un oficio de Don Jose M. Garay fechado en Guadalajara el dia 23, pidiendo noticia sobre el resultado de las perlas q. llevò para su venta el S. D. Diego Moreno.—La junta acordó q. se averigüe si está el Sor. Moreno en Méjico.—Dos rúbricas.

—

Mes de Noviembre de 1846.

Sesion del dia 4.

Asistieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 28 del pasado se leyó un oficio del Ministerio de Relaciones f ha 29 del mismo en que contesta la última comunicacion de la Junta sobre el sueldo del Director del Colegio declarando que en efecto debe pagarse al vocal de la junta facultativa cuando no haya Director propietario, y en cuanto á lo segundo que los mil quinientos pesos deben darce á mas del sueldo que disfrute dicho vocal. A su espediente.

Se presentó el Lic. D. Cástulo Barreda é informó del estado del asunto en las actuaciones en el pleito promovido por el S. Madariaga, y por su indicacion se nombró como Apoderado ante el Tribunal del Estado al Lic. Mirafuentes.

Se leyeron seis comunicaciones f ha 31, del pasado del Administrador de la negociacion de Tasco consultando en la primera que para evitar el riesgo al paso de las barras en Huichilaque las remitiria à Cuernavaca á la casa del S. Rozas y de alli podran venir escoltadas cuando se proporcionarse alguna partida.—La junta opinó de acuerdo y que asi se diga al S. Zamora lo haga siempre q. considere segura la venida de las barras hasta Cuernavaca, y que se oficie al S. Rozas para q. avise á dicho punto.

Avisa en el segundo continuar bien las labores y que haciéndole mucha falta el azogue mandará por el que tiene pedido en la semana entrante.—De enterado.

Acusa recibo en la tercera de los tres quintales de pólvora que se le remitieron con el arriero Fiz y de las seis arrobas que

recibió de Cuernavaca, cuyo precio ignora; y pregunta si puede continuar pidiendo este articulo.—La Junta acordó que lo pida al estanco de Cuernavaca y que se le remitirá la noticia del importe de las seis arrobas tan luego como lo diga el S. Rozas.

Con el cuarto remite las memorias num. 43, la boleta n°. 16, y los estados num. 10. Recibo y á la Contaduria. Avisa en los dos últimos haber girado la libranza n°. 70, valiosa doscientos pesos, à favor de D. Antonio Castañon y la 71, por valor de doscientos pesos al de D. Teodoro Chavez.—Dos rúbricas.

—

Sesion del 5 de Noviembre de 1846.

Asistieron los S. S. Segura Flores y Bassoco y leida y aprobada la acta del dia anterior se dio cuenta con un oficio del Ministerio de Relaciones f ha del 3, pidiendo se le remita dentro de ocho dias noticias esactas de los trabajos de la junta desde 1845, con las indicaciones que creyere oportunas.—La junta acordò q. en vista de los apuntes de la memoria formada por el Sor. Castera, se dirijan dichas noticias al Ministerio agregandose los sucesos posteriores hasta el presente mes.—Dos rubricas.

—

Sesion del 9, de Noviembre de 46.

Asistieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 5 se dio cuenta con las cinco comunicaciones siguientes del Admor. de Tasco con la prim°. remite las memorias num. 43 y una boleta de beneficio que se labò á maquila.—Recibo y á la Contaduria: participa en la segunda q. remitirá los barras á Cuernavaca el martes de esta semana.—De enterado. Dice en la tercera que en la semana anterior se habian labado los últimos quinientos quintales del metal de Trinidad: que los trabajos se habian aumentado con dos paradas y que para la semana actual necesitaba de quinientos pesós. —De enterado. En los dos ultimos avisa haber girado bajo los números 72 y 73, dos libranzas valiosas cuatrocientos pesos y la otra 100 pesos (cien.)

Comenzó à leerse la memoria que ha de presentarse al Gobierno y quedaron aprobados los dos capitulos que tratan de oficina y de Juzgados mineros y se acordó que se oficie al S. Otero preguntándole el estado que tengan sus trabajos sobre arreglo de la legislacion minera.

Se leyó un oficio del Admor. de la Aduana Maritima de Veracruz f ha 2 en que participa no haber podido conseguir del girador de la libranza n°. 884, que se respaldó otra en su

remplaso en cuya virtud habia dado conocimiento del asunto desde 10, de Set°. ofreciendo avisar el resultado.—Noticiese á la Contaduria y à su espediente.

Otro del S. D. José Joaquin de Rozas f ha 5, avisando que ha prevenido à su dependiente D. Antonio Gutierres de Cuernavaca reciba las barras q. se le han de mandar de Tasco, y que avisarà el importe de las seis arrobas de pólvora que mandó á la misma negociacion.

Otro de D. Cayetano Buitròn f ha 5, remitiendo mil trescientos sesenta y dos ps. nueve gs. por productos del derecho de Mineria del mes pasado.—Recibo y á la Contaduria para los debidos asientos.

Otro de D. José Zamora f ha 2, avisando q. con el arriero José Apolonio se le remitan los diez quintales de azogue y la misma cantidad de sulfato que tiene pedida.—Que se mande entregar.

De D. Manuel Mariano Cortazar f ha. en Rio Blanco á 25 del pasado remitiendo la última memoria de la mina de Atargea. —A la contaduria, y avisando que está pronto el S. Rule á ortogar la fianza por el importe de las ecsistencias que se entregaron à Cortazar en dicha mina y reclamando el importe del cuidador de la mina en nueve semanas pidiendo se le remita en libranza el total de noventa y ocho ps. seis rs. á q, asciende la memoria.—La Junta acordó que se diga al S. Rule que si ha de venir pronto á Méjico podra otorgar aqui la escritura de fianza p°. que si tarda la estienda ante las autoridades de aquel Mineral ó nombre un apoderado. Que se oficie al S. Segura para que entregue el anterior oficio y recabe la respuesta del S. Rule. Que se diga al S. Cortazar nombre su apoderado para que firme la escritura: que la junta no puede pasar conforme al convenio, por el pago al cuidador de nueve semanas, sino solo por tres y que dificultándose la libranza se le entregará el importe de la memoria deducidos los treinta y seis pesos de dicha partida al comisionado que mande cuando venga à firmar.— Dos rúbricas.

—

Sesion del dia 13, *de Noviembre de* 46.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 11, se acordó que se enterasen de una vez los tres tercios de la contribucion de casas por lo perteneciente al colegio.—Dos rúbricas.

Sesion del dia 16 *de Noviembre de* 1946.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del dia 13, se dio cuenta con las comunicaciones siguientes:

Primera. Del Comisionado en Guanajuato remitiendo una letra de cinco mil seiscientos treinta y nueve pesos siete rs. productos de mineria en el mes de Octubre.

Dos. Del de Zacatecas remitiendo otra de cuatro mil ciento cuarenta y cinco pesos dos rs. nueve gs. por los del mismo mes.

Tres. Del de Durango incluyendo otra de mil trescientos cuarenta y nueve pesos cuarenta y cuatro centavos correspondientes à la misma época.

Cuatro. Del de Zimapan f ha 1°. de Nov°. acompanando otra de trescientos setenta y tres pesos correspondientes al mes anterior..=Que se reconozcan dichas letras, se hagan los correspondientes asientos y se acuse el recibo.

Cinco. Del de Zacatecas remitiendo otra de ciento veintetres pesos seis rs. tres gs. por los productos de Octubre en Sombrerete.

Y otra por último remitiendo el balance y la nota pormenorisado de lo colectado por el derecho de mineria en aquella ciudad en el segundo tercio del presente año.=Recibo y la à Contaduria.

Concluida la lectura de la memoria que tuvo lugar en los dias anteriores se aprobó acordándose que se remitan igualmente al Supremo Gob°. un oficio pidiendo se espidan por el Ministerio de Hacienda las ordenes respectivas para que concluido el bloqueo se pidan directamente por las Aduanas de Veracruz y Tampico las correspond^{tes}. libranzas à favor de la Junta facultando á ésta para que pueda negociar un préstamo para acudir à los gastos del colegio y los mas urgentes del ramo de azogues acordando por último que el S. Presidente la lleve al S. Ministro para su mas pronto despacho.=Dos rúbricas.

—

Sesion del 19 *de Noviembre de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de leida y aprobada la acta del 16, se dio cuenta con las comunicaciones siguientes:

Primera. Del apoderado en Guadalajara f ha 13, del corriente remitiendo una letra de ochocientos setenta y cinco pesos rs. cinco y medio gs. por productos de mineria cobrados el mes pasado.=Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Dos. Del mismo en igual fecha contestando no haber cobrado nada de la deuda del S. Garay, en razon de que en los cinco últimos meses nada se ha pagado á los empleados cesantes.—A su espediente.

Tres. Del comisionado en Hermosillo del 21 del pasado insertando un oficio del Ensayador de aquel punto copiando la orn. del Gobierno de Sonora para ocupar el derecho de mineria en razon de la urgencia de aquel esario.—La Junta acordò que se diga al mencionado Gobierno lo acordado en semejantes casos acaecidos en Zacatecas y Durango por el Gobierno general de acuerdo con su consejo y que esta comunicacion se remita al S. Robinson para que la entregue á aquel Gobierno imponiéndose de ella y previniendole por último q. si insistiere aquel gobierno en la ocupacion, aunque la junta no cree que asi suceda recoja los certificados respectivos para poder hacer los cargos al Gobierno general.

Cuatro. Cuatro comunicaciones de D. José Zamora, la primera de 11 del corriente pidiendo que con el arriero Fiz se le remitan dos cajas de pólvora por no haberla en Cuernavaca.—Que se le manden. Otro f ha 14 acompañando las memorias num. 45, y la boleta nº. 17.—Recibo y à la contaduria. En el tercero de la misma fecha avisa que la mina continuaba en el mismo estado: que habia remitido las barras á Cuernauaca y que para la raya de la presente semana necesitaba de cuatrocientos pesos. En el cuarto por último avisa haber girado la letra nº. 74 á favor de D. Franco. Aramburn por valor de doscientos cincuenta pesos.—Que se pague.

Cinco. De D. Jose M. Garay de 22 de Octº. que quedò pendiente de saber si el S. Moreno estaba en Méjico, lo que en efecto es asi y se acordò que se inserte á dicho S. Moreno instándole por la pronta terminacion del asunto y se diga asi al S. Garay en respuesta.

Se leyó un dictamen de la mesa de fomento f ha 24 de Setiembre relativo á la solicitud de la viuda del escribiente D. José Tamayo para q. se le devuelvan los descuentos del monte pio hechos á su marido y que no se hayan remitido pr. la Junta à la caja de dicho establecimiento: la mesa presentó la liquidacion hecha por la contaduria del importe de dichos descuentos q. importan ciento setenta y cuatro ps. tres rs. opinando q. para verificarse dicho pago seria necesario que la Sra. como tutora de sus menores hijos promoviese ante un juez la informacion de utilidad correspondiente.—La junta acordó de conformidad y que se comunique á la interesada.—Dos rùbricas.

Sesion del 23 de Novᵉ. de 1846.

Asistieron los SS. Segura, Flores y Bassoco y despues de aprobada el acta del 19, se dio cuenta con las comunicaciones sigᵗᵉˢ.:

Primera. Del Ministerio de Relaciones fecha da el dia 21, en que contesta la consulta que la junta le dirijió en 9, del pasado, resolviendo que corresponde al Gobº. de los Estados hacer la adjudicacion de las mina de que habla el articulo 5º. tit 6º.de las Ordenanzas.—Que informe la mesa de fomento.

Dos. Del S. Director de la Compª. de minas del mineral del Monte contestando à la nota de 11, del corriente, que ha escrito à D. Manuel Marº. Cortazar para que venga á principios de Enero del año entrante y quede arreglada el asunto de su fianza. La Junta acordò que se diga asi al S. Cortazar pª. que acelere su venida.

Tres. Del Comisionado en Pachuca fha. 19, remitiendo una libranza por valor de mil trescientos sesenta y cinco pesos tres rs. cuatro gs. por productos del derecho de mineria en el mes de Octubre. Que se reconosca la letra se hagan los asientos debidos y se acuse el recibo.

Cuatro. Del encargado en S. Luis Potosi remitiendo otra de mil ochenta y tres pesos diez centavos por productos del mismo derecho en el propio mes y la junta dió igual acuerdo que al anterior.

Cinco. Del Comisionado de Chihuahua remitiendo otra por valor de ciento sesenta y cuatro ps. seis granos, los ciento veinticinco un rl. cuatro gs. pertenecientes á Jesus Mª. y el resto á aquella capital por los productos del mes de Setiembre en ambos puntos.—Que se reconosca y cobre la letra, se hagan los correspondᵗᵉˢ. asientos en lo contaduria q se acuse el recibo.— Dos rúbricas.

—

Sesion del 24 de Novᵉ, de 1846.

Concurrieron los SS. Segura y Bassoco y despues de aprobada la acta del 23, se dió cuenta con las seis comunicaciones siguientes:

De D. José Zamora fha 21, primera adjuntado las memorias num. 46 y la boleta de beneficio numº. 28.—Recibo y á la Contaduria.

Dos. Participando el buen estado de la mina, tal que solo aguarda tener la seguridad de toda la polvora que necesita para dar mas emanche á los trabajos, segun el plan que ofrece remitir á la Junta. Avisa de las labores de la Hacienda y de que para la raya de esta semana necesita cuatrocientos cincuen-

ta pesos.—De enterado: que diga la cantidad que necesita de pólvora: q. se han mandado comprar otras dos cajas á mas de las que llevó últimamente el arriero Fiz.

Tres. Avisando la llegada de las barras á Cuernavaca y acusando el recibo de diez quintales de azogue y diez de Sulfato cuyo importe ignora.—Que se le diga cual fué finalmente. En los tres últimos avisa haber girado las letras num. 75, valiosa doscientos ps: la 76 por valor de doscientos ochenta y la 77 importante cincuenta pesos.—Que se paguen.

Otra comunicacion del mismo en q. informa sobre la última vinta hecha á la mina: se pasó al Lic. D. Cástulo Barreda para que en union de Don Miguel Quiñones informe à la Junta el sabado sobre el asunto del S. Madariaga.—una rúbrica.

—

Sesion del 28 *de Nov*. *de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del 24, se dio cuenta con una comunicacion del Ministerio de Relaciones de 25, acusando recibo del corte de caja perteneciente al mes de Octubre.—A su espediente.

Habiendo manifestado en 13 del pasado el S. Mackintosh un deseos para reformar el segundo artículo del contrato celebrado con la Junta en 3 de Fbro de 1844, se comisionó al S. Bassoco para q. conferenciando con el contratista arreglase las reformas del mencionado articulo en los términos q parcciese mas conveniente para ambas partes, y estando conforme en ello la junta se previno que se estendiese el documento correspondiente firmado por los Señores que la componen y por el S. Mackintosh haciendo que conste en la acta de hoy y es como sigue.

Articulo adicional modificativo del segundo del contrato celebrado en 3 de Fbo. de 1844, entre la junta de fomento y administrativa de mineria y los SS. Manning y Mackintosh—(*De descontar siete octavos por ciento al mes las libranzas que tuviere la junta á cargo de ellos segun se especifica en el articulo* 2°. *desde hoy á aquellas libranzas*)—La obligacion de los SS. Manning y Mackintosh de descontar siete octavos por ciento al mes las libranzas q. tuviere la Junta à cargo de ellos segun se especifica en el articulo 2°. desde hoy à aquellas libranzas ó vales que endosare la junta para pagar á sus acreedores sin pasar á otro poseedor ó quisiere ella descontar para sus particulares atenciones, y en este ultimo caso la cantidad no pasára de tres mil pesos por mes, pudiendo acumularse en uno la correspondiente á tres pretéritos ò futuros del año en que se hiciere la operacion y no mas. En cualquiera otro se les presentarán á ellos primeram^te. por si les conviniere deseontarlas al referido descuento de sies

te octavos al mes que entonces no será obligacion como en los casos fijados arriba y los tenedores tendrán libertad de deseontarles con quien quineren.—Mejico 25 de Novᵉ. de 1846.—Vicente Segura—Flores—José Mª. de Bassoco—Manning y Mackintosh.

Se leyo un oficio del E. S. D. Agustin Perez de Lebrija fha de hoy previniendo se satisfaga al Juzgado respectivo por costas sesenta y siete ps. de los réditos mandados depositar pertenecientes á Dª. Guadalupe Echagaray y se mandó q. se paguen haciendose previamente los respectivos asientos y liquidacion por la contaduria.

Se leyò una instancia de D. José Franᶜᵒ. Bonilla para que se le conceda licencia con el objeto de curane dejando un sustituto con todo su sueldo.—La Junta acordó que aunque entiende q. en alguna parte del mucho tiempo en que ha gorado de licencia el S. Bonilla pudiera haber asistido á la oficina puesto que ha podido salir á la calle aun de noche y hacer viaje à Toluca, considerando q. cede todo su sueldo en favor del que se nombre pª. instituirle y en atencion tambien à la aptitud de D. José Carbajal que ha desempeñado un funciones à costa del fondo accede à la presente instancia sin que sirva de ejemplar para otro caso nombrando al citado Carbajal para que desempeñe la plaza del S. Bonilla en los tèrminos que este propone.

Se presentaron los SS. Lic. D. Castulo Barreda y D. Miguel Quiñones è informaron à la junta sobre el estado de los dos asuntos pendientes relativos al denuncio del Socabon de S. Juan de la mina de la Trinidad en Tasco y se disentieron detenidamente los puntos à q. debe contraerse el alegato y las pruebas que van á presentarse: pidió ademas el primero doscientos pesos à cuenta de lo que tiene devengado, de derechos y se acordó que se le dicien.—Dos rubricas.

—

Sesion del 30 *de Novᵉ. de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 28, se dio cuenta con los siguientes oficios:

Primero. De D. Josè M. Garay fha. en Guadalajara el dia 24, repitiendo lo que dirijio en 23 de Octubre preguntando el estado del abono de su deuda verificado por el valor de las perlas que se entregaron à D. Diego Moreno. Al concluir pregunta si se abonó ya dicho valor q. tiene ya pagado al mensionada S Moreno.—La junta acordò se inserte esta nota al repetido S. Moreno instándole sobre la entrega del importe de las perlas y que se repita la conestacion dada ultimamᵗᵉ. al S. Ga-

ray agregàndole que con la misma f'ha. se trascribe su oficio al S. Moreno.

Dos. De D. Jose Zamora f'ha 28 remitiendo las memorias num. 47, y la boleta de beneficio n°. 19 de la negociacion de Tasco.—Recibo y á la contaduria.

Tres. Del mismo participando que la mina continua bien y sin desmerecer la ley de un metales: que se habian labado tres cientos quintales de Guadalupe y quedaban incorporados con doscientos cincuenta libras de Azogue quinientos quintales del tercero: que estaba para remitir otras seis barras que haria llegar hasta Mèjico y pregunta à quien han de consignarse: avisa la llegada de dos cajas de pólvora y pide otras cuatro. Dice por ultimo que para la raya de esta semana necesita de quinientos pesos.—De enterado: que consigne las barras al S. Echeverria y que mande por cuatro cajas de pòlvora.

Cuatro. Designando el plan que habia ofrecido para aumentar los trabajos y la junta acordó de conformidad.

Cinco. En las cuatro ultimas comunicaciones avisa haber girado las libranzas num. 78 valiosa doscientos cuarenta pesos, la 79 importante treinta y ocho la 80 por valor de sesenta y cinco y la 81 valiosa sesenta y dos pesos tres rs. los cuales se mandaron pagar.

Se leyo un informe de la contaduria f'ha de hoy sobre el corte de caja del mes de Octubre perteneciente al colegio que remitio el S. Director interino conforme al reglamento. La junta acordó que se le pida el de el mes de Set°. en virtud de estar presentadas yá las cuentas hasta fin de Agosto: que debièndose llevar dichas cuentas con distincion de ambos fondos, los cortes deben estenderse con la misma distincion asi como, tambien dividirse en ellos las partidas q. corresponden à las diversas asignaciones que estableciò la ley de 5 de Oct°. de 843.—Dos rúbricas.

—

Mes de Diciembre de 1846.

Sesion del dia 2.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta de 30 de Noviembre se dio cuenta con una comunicacion del Comisionado en Zacatecas de 26 del pasado remitiendo una letra de ochenta y dos ps. tres rs. tres gs. por productos del derecho de mineria en Sombrerete pertenecientes à Set°.—Que se reconosca y cobre la letra se hagan los debidos asientos y se acuse el recibo.

Otro de D. Josè Zamora de 9, del pasado remitiendo seis barras con pero de 828 marcos de on. 4 de plata las que se consignaron al S. D. Zavier Echeverria.—Dos rúbricas.

Sesion del 5 *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 2, se dio cuenta con las dos comunicaciones siguientes:

Del Ministerio de Relaciones f ha de ayer acusando recibo en el primero de las noticias q. se le remitieron para la memoria autorizando á la junta para conseguir con el menor gravamen posible las cantidades que necesite para cubrir los gastos del colegio y los sueldos consignados al fondo de azogue con hipoteca de este fondo, bajo el concepto de que se han dado las orns. convenientes para q. desde luego y en cuanto se levante el bloqueo de Veracruz se remitan directamente á la junta libranzas por el 3 p°₀. de importacion hasta el completo de ochenta mil pesos anuales. Agrega adèmas que en el caso de no obtenerse oportunamente dicho prèstamo la junta supla las cantidades necesarias del fondo dotal en calidad de reintegro por el de azogues del que se reembolsará tan luego como reciba algunas cantidades de las Aduanas ó q. se realice el indicado prèstamo.

Los SS. Flores y Bassoco manifestaron que estando prefijado el destino del fondo dotal la junta no tenia facultad para distraerlo á otros objetos ni en calidad de prèstamo. El S. Segura espuso que estando en las facultades del Gobierno dictar la medido de que se trata era de parecer se obsequiase la orn. solicitándose desde luego con empeño el referido prèstamo cuidando de recabar las orns. convenientes p*. q. vengan las libranzas por valor de cincuenta mil pesos anuales del puerto de Tampico tan luego como se vea libre de la invasion anglo americana. En consecuencia la mayoria de la junta acordò se dice al Gob°. la contestacion en los terminos indicados por los SS. Flores y Bassoco y el S. Segura pidió constase en la acta su voto agregando además q. espondria las razones en que se fundaba y las remitiera al Gobierno.

El segundo oficio se contrae à escitar el celo de la junta para que promueva todo lo conducente à fin de proporcionarse el prèstamo de los dos millones de pesos para la compra del azogue español para el que la facultó el decreto de 17 de Fbro de 843, y se acordó tomarlo en consideracion el lunes prócsimo.— Dos rúbricas.

—

Sesion del 7, *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta anterior se dio cuenta con las ocho comunicaciones siguientes de D. Josè Zamora f ha 5:

Primera. Remitiendo las memorias n. 48, la boleta de ben-

eficio nº. 20, el corte de caja nº. 11 y los estados correspondientes al mes de Novº.—Recibo y à la Contaduria.

Segunda. Avisando continuar la mina sin novedad, participando las labores hechas en la Hacienda durante la semana anterior y aun cuando que pace la raya de esta necesita de quinientos pesos.—Dos enterado.

Tres. Remitiendo seis barras que estaban detenidas en Cuernavaca desde mediados del mes pasado.—Que se acuse el recibo.

Cuatro. Avisando que D. Franco. Asambura ha denunciado un boca que se halla à cien varas de la mina de S. Ygnacio que se llama Nicolá y pidiendo se pregunte al Sor. Lic. Villaloa si tiene alguna instruccion sobre la propiedad de dicha boca, pues en el archivo de su cargo no hay noticia alguna: que posteriormente ha sabido que el objeto de la denuncia es cojer unos caidos q. producirán algunos centenares de cargas de metal q. tendrán veinte marcos de ley y cuyo costo de estraccion no pasará de un pero la carga.—Que se inserte al S. Villaloa y q. se oponga à la estraccion del metal entre tanto no se adjudique la mina al denunciante.

Cinco. Pidiendo que con el arriero Fiz se le remitan cuatro cajas de pólvora.—Que se le manden.

Seis, siete y ocho. Avisa en las tres últimas que ha girado bajo los mineros 82, 83 y 84, tres letras valiosas la primera doscientos ochenta ps. la segunda cien y la tercera cuarenta.—Que se paguen.

Se mando citar à los SS. Consultores para el prócsimo à fin de resolver la contestacion que ha dedarse al Supremo Gobierno en la parte que dice se supla del fondo dotal los gastos del colegio y los sueldos consignados al de azoguez.—Dos rubricas.

—

Sesion del 9 *de Diciembre de* 1846.

Asistieron los SS. Segura Flores y Bassoco y despues de aprobada el acta anterior se dió cuenta con un oficio del dia de la fecha del S. Lic. D. Arcadio Villaloa en que comunica las noticias que tiene sobre la veta de Nicola, indicando que la junta podia pedir instruccion sobre este punto à los demas interesados.—Que se trascriba al Señor Zamora y se pregunte al S. Lic. Gomez.

Otro. Del S. D. Josè Delmott escusándose de no asistir à la junta de hoy por el estado de su sabed.

En seguida se presentó S. D. Franco. Fagoaga è impuesto del oficio del Gobierno supremo y de la acta del dia 5, asi como tambien de las razones que espusieron pª. fundar su opinion los

SS. Flores y Bassoco y en seguida, el S. Segura, se discutió largamente el asunto opinando de conformidad con la de los primeros, pº. manifestando que no creia oportuno se dijese nada al Gobº. entretanto no se diligenciase la consecucion del prèstamo para que le autoriza à la Junta y se le remitiese el contrato pª. su aprobacion lo que acordó la junta, comisionado al S. Bassoco pª. que diese los pasos convenientes à la formacion del contrato.

El S. Segura dio cuenta con una carta de D. Agustin Font fha en Tasco à 5 del corriente ofreciendo sus servicios para las medidas que se ofreciesen en la mina de Trinidad y aun para dirijir sus labores con un corto honorario dejando los bordos que corresponden para evitar la total ruina de las labores.—La junta acordó que se le conteste dándole los gracias por sus ofertas y que se tendran presentes cuando llegue su caso; pues no teniendo motivo pª. variar la direccion de aquellas negociaciones no está en el caso de quitar al S. Zamora.

En cuanto al oficio del Supremo Gobº. para que la junta promueva lo que crea conducente à realizar el prèstamo de dos millones de pesos à fin de contratar el azogue de Almaden, la junta comisionó à los SS. Fagoaga y Rozas para q. impuestos de la ecsitacion del Gobierno puedan abrir dictamen sobre lo que haya de hacerse pª. realizar el prèstamo.—Dos rúbricas.

—

Sesion del 14, *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de leido la acta del dia 9, el S. Segura presentó sobre el contenido del acuerdo de la mayoria que consta en ello relativo á la manifestacion q. creyó conveniente hacer al Gobierno contra el oficio en q. previene en caso de no verificarse el préstamo supla del fondo dotal lo que falte al de azogue para los gastos del colegio y los sueldos que se pagan de dicho fondo. Ympugno tambien las razones que espuso el Sor. Fagoaga en la sesion del 11, con respecto á la utilidad e importancia de las nuevas clases establecidas en el colegio y repitiendo la indicacion q. tiene hecha anteriormente sobre que cuando se conteste al Gobº. acompañara su voto particular en contra de la revolucion de la mayoria de lo Junta.

Se dio cuenta à continuacion con las comunicaciones sigtes:

Primera. Del Ministerio de Relaciones fha 11, en que inserte la orn. del de Hacienda á la Admon. de la Aduana de Veracruz sobre que se remitan la libranzas del tres por ciento desde ahora ò tan luego como se levante el bloqueo.—Que se agregue á su espediente.

Segunda. Del Tribunal de Mineria de Tasco fecha 11 remitiendo la cuenta de los derechos que ha devengado en los pleitos del denuncio del Socabon de Guadalupe y mina de Trinidad.—Ynforme el S. Lic. Barreda.

Tres. De D. José Zamora fha 12, remitiendo las memorias num. 49, y la boleta de beneficio nº. 21, de la negociacion de Tasco.—Recibo y á la Contaduria.

Cuatro. Del mismo fha 12 participando las labores verificadas en la Hacienda del Chorrillo en lo semana anterior: que la mina continua sin novedad y q. para la raya de esta semana necesita de quinientos pesos.—De enterado.

Cinco. Del propio avisando haber girado la letra numº. 87, valiosa doscientos pesos á favor de D. Antonio Castañon y la 88 por valor de doscientos seis al de Don Victorio Carrillo.—Que se paguen.

Seis. Del mismo avisando q. con el arriero José Apolonio se le remitan seis quintales de Sulfato.—Que se compren.

Siete. De D. José Mariano de Saavedra participando haber sido nombrado Admor. de rentas de S. Juan Teotihuacan dando las gracias por el tiempo que ha estado en esta oficina y pidiendo una Certificacion de su comportamiento. La junta acordò quedar enterado con satisfaccion y que se estienda la certificacion.

Ocho. Del comisionado en Guadalajara de 8, del corriente remitiendo una libranza por valor de quinientos cincuenta y seis pesos un real pertenecientes al derecho de mineria de aquella casa de moneda durante el mes de Noviembre.—Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Nueve. Del de Zimapan de 1º. del corriente remitiendo otra de ciento cincuenta y dos pesos cinco rs. por el mismo derecho en el propio Noviembre.—Que se reconosca y cobre la letra se hagan los debidos asientos y se acuse el recibo.—Dos rúbricas.

—

Sesion del 17 *de Dicº. de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 14 se dio cuenta con las dos comunicaciones siguientes:

Primera. Del comisionado el Durango fha 9, remitiendo una libranza de seiscientos noventa y ocho ps. cuarenta y seis centavos por productos del derecho de mineria pertenecientes a Noviembre.—Que se reconosca la letra se hagan los debidos asientos por la contaduria y se acuse el recibo.

Dos. De D. Jose M. Garay fha 11, en Guadalajara contes-

tando de enterado al oficio en que se le insertò el dirijido à D. Diego Moreno sobre pago de quinientos pesos valor de las perlas que se le entregaron para su venta y concluyendo con que nada tiene que decir de nuevo sobre el asunto. La Juntn comisionó al S. Segura para que acercandose al S. Moreno le manifieste las contestaciones de D. Jose Garay, la justicia y la urgencia del pago á fin de evitar contestaciones que solo pueden producirle mayores gastos.=Dos rúbricas.

—

Sesion del 19, *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 17, se leyó la cuenta de los alquileres de las viviendas del Colegio pertenecientes al mes pasado.= Pasen à la Contaduria.

Se leyo un oficio de D. José Joaquin Rozas fha 17, en que acepta lo comision que en union del S. Fagoaga le dio la junta para que propongan el modo de facilitar el prèstamo para la contrato del azogue de Almaden.=De enterado.

Se leyo un oficio del Ministerio de Relaciones fha en que contesta la comunicacion que se le dirijió sobre el corte de caja remitido por el S. Director interino del colegio participando que ha nombrado una comision para que aclare dicho punto y cualquiera otro dudozo preparando las reformas necesarias compuesta de les Señores D. Jose M^{a}. Godoy D. Luis Varela y D. Mariano Navarro.=A su espediente.

Se leyó un oficio del profesor D. Blas Balcarcel participando haber quedado como segundo vocal de la junta facultativa encargado de la Direccion del Colegio por ausencia del S. Moral. =La Junta acordó que se le conteste haberse vido con satisfaccion y se repita al supremo Gobierno la comunicacion dirijida al Sor. Rejon sobre cumplimiento de la ley en el nombram^{to}. de Director.=Dos rùbricas.

—

Sesion del 21 *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del 19, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones fha 18, contraida à que la junta se sirva estender la licencia temporal concedida à su secretario el S. Castera en 25 de Setiembre por dos meses mas contados desde la fecha en que cese en la comision que lo encargó el Supremo Gobierno.=Que se consulte al Gobierno el

motivo de la licencia teniendo cuidado de saber el dia desde cuando se haya de contar dha licencia.

Dos. Del Admor. de rentas de Zacatecas f ha. 16, avisando haber entregado los doce pesos que importa la lbza. perteneciente al fondo de azogues que se le devolvió p^{a}. que los entregase al comisionado de la junta en aquella capital avisando haberlo verificado asi.=A su espediente.

Tres. De dicho apoderado f ha 18, remitiendo dha cantidad en libranza.=Que se reconozca, se hagan los respectivos asientos por la contaduria y se acuse el recibo.

Cuatro. Del mismo f ha 10, avisando haber escrito al S. Llaguno proponièndole la transacion por árbitros con respecto à su deuda sin haber podido obtener hta aquella f ha contestacion alguna. A su espediente.

Cinco. De D. José Zamora f ha 19, remitiendo las memorias num. 50, y la boleta de beneficio n°. 22, de la negociacion de Tasco.=Recibo y à la Contaduria.

Seis. Del mismo participando el buen estado de la mina y las lisongeras esperanzas que presentan por el aumento de la saca y las buenas leyes que han resultado en los ùltimos ensayes, y que para la raya de la presente semana necesita de quinientos pesos.=De enterado.

Siete. Avisando haber girado una libranza bajo el n°. 88, valiosa doscientos ps. à favor de D. Jorge Raffard.=Que se pague.

Ocho. Acompañando las notas en que el Prefecto de aquel Distrito ha asignado doscientos pesos de prèstemo forzoso à aquella negociacion y la contestacion que le dió manifestándole que la Junta era el dueño de ella y que habia proporcionado el mes pasado sumas muy considerables en clase de préstamo de pronto reintegro.=La junta acordó que se manifieste al S. Prefecto de Tasco las razones q. tiene p^{a}. no ser comprendida en el préstamo por haber franqueado veintinueve mil pesos como consta del corte de caja publicado en el diario y que se inserte esta comunicacion al S. Gobernador pidiéndole que asi la prevenga al Sr. Prefecto en el caso de que este haya insistido en su designacion avisandose asi al S. Zamora.

Nueve. Del mismo f ha 14, remitiendo siete barras de plata con peso de novecientos treinta y tres marcos consignadas al S. D. Fran^{co}. T. Echeverria.=Que se vendan, para la que se comisionó al Sr. Flores y se acuse recibo.

Diez una carta particular del mismo en que manifiesta que debiendo manifestarse muy pronto la eleccion de cólegas de aquel Tribunal conforme al articulo 6°. del titulo 2°. de las ordenanzas podia nombrársele para que representase à la junta en las elecciones. Esta acordò se le pusiese el oficio de nom-

bramiento diciéndole que en caso de que creyese necesario el poder judicial se le remitiria por el procsimo correo.=Dos rúbricas.

—

Sesion del 23 *de Diciembre de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 21, se dio cuenta con las comunicaciones sig^{tes}:

Primera. Del Juzgado de Pachuca fha 20 y 21, participando que la Subprefectura de aquel partido habia consignado como remplazos en el cupo doce barreteros de aquellas minas cuya lista acompaña y que habiendose quejado de esta ilegalidad al S. Prefecto le habia contestado de acuerdo pero manifestándole no estar ya en su arbitrio remediar el mal por que los remplazos se habian entregado à disposicion de la plana mayor, por lo que ocurria à la junta para que interpusiese su influjo. La Junta acordó que se insertase al S. Gefe de la plana mayor citándole la última ley de remplazos dada por la Junta Departamental de Méjico.=Dos rúbricas.

—

Sesion del 24 *de Dic*^{e}. *de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 23, se dio cuenta con las cuatro comunicaciones siguientes:

De los comisionados en Culiacan.

Con la prim^{a}. fha 5 remiten cuatro libranzas, la primera de cincuenta y siete pesos por productos de Culiacan en el mes de Julio. Otra de setenta y cinco pesos un real tres octavos por los pertenecientes á Set^{e}. otra de ochenta y tres pesos cinco rs. cinco octavos del mes de Octubre y la ultima de trescientos treinta y dos pesos cuatro cinco octavos rs. del mes de Nov^{e}.=Que se reconoscan y cobren las tres primeras, se reconosca la última, se hagan los asientos correspondientes de todas y se acuse el recibo.

Con la segunda remiten una letra de noventa y tres pesos cincuenta y siete centavos por productos de Mazatlan en el mes de Octubre.=Con la tercera acompañan libranza de (295 ps.) doscientos noventa y cinco ps. seis rs. siete gs. por los productos de Cosalá del mes citado y con la ùltima otro de ciento cuarenta y un pesos cuatro siete octavos reales por los de Alamos pertenecientes al citado Octubre.=Que se reconoscan y cobren dichas letras, se hagan los debidos asientos y se acuse el recibo =Dos rùbricas.

Sesion del 26, *de Diciembre de* 1846.

Concurrieron los SS. Segura Flores y Bassoco, y despues de aprobada la acta del 24, se dio cuenta con los siguientes oficios:

Primero. Del E. S. oficial mayor del Ministerio de Relaciones f ha 23, pidiendo los reglamentos de la Junta y del colegio. —Que se le citen las fechas de la ley q. reglamentó el colegio y de la que establecio la planta de la oficina con copia del reglamento provisional de la misma y noticia del estado que tiene el que formó la Junta y se le devolvió.

Segundo. De los SS. Baring Hermanos en Londres à 31 de Octubre avisando haber puesto en la Habana à disposicion de los SS. Picard y Alvero los dos aparatos de destilacion que se les encargaron con los planos correspondientes para poderlos montar con facilidad y acompañando su factura.—Que se acuse el recibo de dicha comunicacion y que se negocie el importe de la cantidad que queda en su poder que son doscientas sesenta libras cinco peniques para lo que se comisionó al Sor. Bassoco. —Dos rúbricas.

—.

Sesion del 28 *de Diciembre de* 1846.

Concurrieron los S. S. Segura Flores y Bassoco y despues de aprobada la acta del 26, se dio cuenta con las comunicaciones siguientes del Ministerio de Relaciones f ha de 11 y recibido hasta hoy en que el E. S. Oficial mayor inserta la comunicacion que dirijiò con f ha 10, al segundo vocal de la junta facultativa D. Blas Balcarcel y en la que accede el Supremo Gob°. à la peticion del S. encargado de la Direccion D. Tomas Ramon del Moral para que se encargue de la misma el mencionado S. Balcarcel.—La Junta acordo que conste la f ha en que se ha recibido este oficio y se agregue à su espediente.

En segunda se dio cuenta con las sig^{tes}. comunicaciones.

Primera. Del apoderado de la Junta en Guanajuato f ha 25, acompañando una libranza de cinco mil cuatrocientos noventa pesos un real tres gs. por derechos de mineria correspondientes al mes de Nov^{e}.—Que se reconosca la letra, se hagan los debidos asientos por la Contaduria y se acuse recibo.

El mismo acuerdo recayó al segundo oficio que remite el encargado de la recaudacion del derecho en S. Luis Potosi acompañando una letra de dos mil trescientos once pesos, sesenta y tres centavos pertenecientes al mismo mes de Nov^{e}.

Cinco oficios del S. Zamora f has 26, del corrte remitiendo con el primero las memorias num°. 51, de aquella negociacion.

—Recibo y à la Contaduria. Avisando en el segundo haberse labado en la semana trescientos quintales de metal: contiuuar la mina en el mismo estado y que necesita para la raya de seiscientos pesos. De enterado. En el tercero aensa recibo de la Tornaguia de las seis barras que remitió en 9 de Setiembre à la casa del S. Rozas en Cuernavaca y pide la de las otras siete que vinieron consignadas ultimamente al S. Echeverria.—De enterado.

En los dos ultimos avisa haber girado la letra n°. 90, valiosa cuatrocientos veintinueve pesos à favor de D. Teodoro Chavez y la 91, por valor de doscientos cuarenta y seis pesos al de D. Leonardo Maldonado.—Que se pague.

En carta particular del mismo en la propia fha. dice que considera bastante para el objeto el poder que se le remitió à fin de representar à la Junta en las prócsimas elecciones de aquel Tribunal.—Dos rúbricas.

—

Sesion del 30 *de Diciembre de* 1846.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del 28, se dio cuenta con las comunicaciones siguientes:

Primera. De D. Ramon Alfaro albacea del contador de esta Oficina D. Miguel Hierro fha 26, del corriente participando el fallecimiento de dho empleado acaccido despues de la una de la mañana del dia 23.—A la contaduria.

Dos. De los SS. Manning y Mackintosh del dia 28 insertando las comunicaciones que han cambiado D. Fernando Pohls comisionado en Guanajuato y el S. Comisario general de aquel Estado sobre la asignacion que hizo el Gobierno del mismo de la cantidad de cinco mil pesos de préstamo à la Recaudacion del derecho de mineria.—La junta acordó se le manifieste que ella ha aprobado su conducta y que se le remita copia de la circular del Ministerio de Hacienda en q. se esceptuan del préstamo à los Estados, à los q. hayan satisfecho el de la cuota mayor en el Distrito.—Dos rúbricas.

AÑO DE 1847.

Mes de Enero de 1847.

Sesion del dia 2.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta de 30 del pasado se dio lectura à la ley de 30 de Dic°. del de 1843, y conforme à ella se previno que se imprimiese la circular correspondiente avisando haber entrado à funcionar de presidente en el presente año el S. D. Juan M°. Flores apoderado de los mineros, aprovechando los ejemplares que hay para participarlo à las autoridades y corporaciones ecsistentes en la capital.

El S. Mayordomo del Colegio, pidió se le concediese licencia para marchar à la capital de S. Luis Potosi dejando bajo su responsabilidad al S. su hermano D. Leandro y la Junta la concedio previendo se cómunique al S. Director interino del Colegio.

En seguida el S. Flores manifestó debia oficiarse al Supremo Gobierno participándole que no habiéndose logrado el préstamo para el que facultó à la Junta á fin de cubrir los gastos que se hacen del fondo de azogue tanto en el colegio como en la oficina lo que seria mas dificil lograr en razon de la nueva suspension de pagos acordada por el Ministerio de Hacienda, y no ecsistiendo yá dicho fondo sino la cantidad necesaria para cubrir el presente mes, se le manifestase que la junta no podrá cubrir dichos gastos del fondo dotal por estar designados en la ley los objetos à que esclusivamente debe dedicarse.

El S. Segura se opuso espresando que si la mayoria de la junta insistia en que se remitiese dha comunicacacion estenderá su voto particular para que constase en el acta y que lo remitiria al Gobierno. Despues de una prolongada discusion la mayoria de la Junta acordó se remitiese al Gobierno la contestacion insinuada insistiendo el S. Segura en que constase su voto particular que elevaria al Ministerio para salvar su responsabilidad.—Dos rúbricas.

—

Sesion del 4 de Enero de 1847.

Concurrieron los SS. Segura Flores y Bassoco y despues de aprobada la acta del dia 2, se dio cta. con las comunicaciones siguientes:

Primera. Del Juzgado de Pachuca f ha. 3, dando las gracia à la junta por su contestacion à la solicitud dirijida en favor de las mineros de aquel Distrito que se asignaron al cupo de

remplasos y participando que solo uno de ellos habia sido puesto en libertad.=Ynsértese al S. Gefe de la plana mayor instándole para que resuelva, y avisese asi al presidente del Juzgado.

Dos. Del Admor. de la Aduana maritima de Veracruz fha 28 del pasado participando haber ecsitado al Juzgado del Distrito por el despacho de las libranzas del fondo de azogues pendientes de la sentencia da aquel Tribunal.=A su espediente.

Tres. Del mismo en igual fha. acusando recibo de la orden del Ministerio de Hacienda que se le comunicò para el pago del derecho del tres por ciento y avisando habor recibido orden posterior del mismo Ministerio para que el mencionado derecho causado por los buques que burlen el bloqueo se aplique à la guarnicion de Veracruz, Ulua y Alvarado.=Que se inserte al Gobierno pidiendo le reitere la orn. dada el 9, del pasado sobre este asunto.

Cuatro. De D. Josè Zamora fha 2, remitiendo las memorias num. 52, y la boleta nº. 23, y los estados corte de caja num. 52, y la boleta nº. 23, y los estados corte de caja num. 12 de aquella negociacion.=Recibo y à la Contaduria.

Cinco. Del mismo y de igual fha. avisando no haber novedad en la mina y que para la raya de la presente semana necesita de quinientos pesos.=De enterado.

Seis. Del mismo avisando haber girado dos libranzas valiosas la primª. bajo el nº. 1, cuatrocientos pesos à favor de D. Leoncio Blanco y la otra ciento cincuenta bajo el nº. 2, al de D. Rafael Solarez.=Que se paguen.

Siete. Del Lic. D. Cástulo Barreda manifestando seria conveniénte remitir alguna cantidad à Tasco por cuenta de los derechos vencidos por aquel Tribunal.=La junta acordò q. se diga al S. Zamora que no habiéndose demorado el pago de los mencionados derechos sino en espera de la justificacion que debe presentar oportunamtº. á la Contaduria mayor de acuerdo con el Sor. Quiñones puede satisfacer la parte de dha cuenta que estè comprobada de una manera terminante y en cuyo débito no haya la menor duda recojiendo el correspondiente recibo, y por último que diga el S. Quiñones conteste al S. Lic. Barreda todas las preguntas que le ha dirijido con respecto á este asunto à fin de que queda terminado cuanto antes.

La Junta acordó igualmente q. se manifieste al Suprema Gobº. que no habiendo logrado el prèstamo para el que se le facultó à fin de suplir los gastos del Colegio y la oficina que se hace del fondo de azogues, no puede suplirlos del dotal por ser un fondo privado del cuerpo minero.=Dos rúbricas.

Sesion del 5 de Enero de 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia anterior se dio cuenta con unas comunicaciones que remitiò el Sor. Mackintosh del apoderado de Guadalupe y Calvo f has 15 de Diciembre acompañando una letra de tres mil cuatrocientos cuarenta y seis pesos seis rs. por productos correspondientes à los meses de Abril, Mayo Junio y Julio.—La junta acordó que se reconosca la letra, se hagan los debidos asientos, se cobre à su debido tiempo y se acuse el recibo pidiéndole las cuentas hasta fin de Diciembre y que en los avisos diga la cantidad que ha producido el derecho del mes anterior: que dedusca de él cuatro por ciento de comision y libre el resto à favor de la junta contra los SS. Manning y Mackintosh.

Con la segunda acompaña una libranza de dos mil cuarenta y dos pesos seis rs. cuatro gs. por los productos de Agosto, Setiembre Octubre y Nov^{e}.—Que se reconosca la letra, se hagan los asientos debidos y se acuse recibo.

Se acordò ademas, que el S. Bassoco arregle con la casa de los SS. Manning y Mackintosh el pago de la prim^{a}. libranza sin aguardas al término de seis meses de su aceptacion en virtud de no haberse recibido la letra oportunamente por algun estravio y de haberse recibido las cantidades por el comisionado en los meses de Abril Mayo Junio y Julio del año anterior.

A mosion del S. Segura se acordó que se dirijiese una felicitacion al E. S. Gral. D. Antonio Lopez de Santa Anna por su nombramiento de presidente interino, otra al E. S. D. Valentin Gomez Farias por el de Vice Presidente, p^{a}. cuya redaccion se comisionò despues de aprobada la mosion al mismo S. Segura, salvando su voto el S. Flores.—Dos rúbricas.

—

Sesion del 7 de Enero de 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 6, se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Hacienda f ha. 5 pidiendo á la Junta le proporsione treinta mil pesos en calidad de reintegro con los derechos que cause la conducta de platas que debe salir á media dos del mes.—Y la junta acordó que se conteste verbalmente al Ministerio por el S. Presidente de la Junta que el oficio se recibio á las cinco de la tarde del martes por lo que la junta no pudo rennirse p^{a}. acordar su contestacion hasta hoy, manifestándole que el fondo de azogue está agotado completa-

mente y que del dotal, como fondo privado de los mineros no puede disponer.

Dos. Del Ministerio de Relaciones acusando recibo de la circular en que sele participó quedar de presidente de la Junta el S. Flores.—A su esped^te.

El mismo acuerdo se dió á igual contestacion del S. Director interino del Colegio y del S. Contador de propios.

Tres. De la Junta menor de avio de las minas de S. Juan de la Chica, avisando que el 15 del presente debe enterarse la tercera ecseuvicion por los Señores accionistas.—A su espediente.

Cuatro. De D. Jose Zamora f ha 31 del pasado remitiendo al arriero Fiz para que se le manden cuatro cajas de pólvora.—Que se compren y q. se le diga que en rason de no haber Sulfato en Mejico procure conseguirlo por su parte ó usar del magistral como lo ha hecho otra vez.

Se leyó una solicitud de los oficiales y escribiente de la Contaduria para que se participe al supremo Gobierno el fallecimiento del Contador D. Miguel Hierro pidiendose libren los despachos correspondientes, conforme á la escala prevenida por la ley.—La Junta señaló el dia siguiente para tratar de este asunto.

Se leyó un dictamen de la Contaduria reducido á manifestar no haber inconveniente en que se estienda la Certificacion que pide á Don Manuel Pruneda por las cantidades q. ha recibido del capital que reconoce la junta al Hospital de Divino Salvador.—La junta acordó q. se estienda la Certificacion.

Se mandó dar otra igual á D. Fran^co. Fischer de los servicios que prestó su padre á la mineria conforme á las constancias q. haya en el archivo.

Se presentó el proyecto de felicitacion á los EE. SS. Presidente y Vice Presidente de la Republica despues de disentido suficientemente se aprobó la que debe dirijise al primero en los siguientes terminos.

„ E. S.—Lá Junta de fomento y administrativa de mineria que debe su ser al supremo decreto dado por VE. en 2 de Dic^e. de 184 creeria faltar á sus mas sagrados deberes de justicia y gratitud sino uniese su voz en esta ver á las de las corporaciones y particulares todos que se apresuran á felicitarle por su nueva eleccion á la primera magistratura del Estado.—Esta junta jamas podrá olvidar que las minas leyes de proteccion y fomento en favor de este importante ramo desde la época de nuestra gloriosa independencia á la f ha. se deben esclusivamente á VE. y que solo bajo su administracion ha obtenido la importancia que se merece la industria nacional minera. Ella es pera por lo mismo que en la época de la nueva presidencia

de VE. continuará en favor de los mineros del pais los elementos de riquera pública q. hoy necesita fomentar mas que nunca á fin de sostener la independencia y el buen nombre de Mejico altamente comprometido por la injusta guerra de los Estados Unidos del Norte, y eleva por último sus fervientes votos al ser supremo para que conceda á VE. el triunfo mas pronto y mas cumplido en la preciente lueha conservando su importante vida y concedièndole toda clase de felicidades.=Ella tiene el honor con tal motivo de reiterar á VE. las protestas de su distinguido aprecio y consideracion.=Dios &ª."

Se leyeron tres oficios del encargado de la administracion en Chihuahua f ha. 22 del pasado, remitiendo con las dos primeras una letra valiosa cuatro cientos sesenta y seis ps. dos rs. seis granos por derechos pértenecientes al mes de Octubre en Chihuahua y Jesus Mª. y en la tercera, advirtiendo que la diferencia de once ps. depende de haber entregado de mas en la remesa anterior.=La Junta acordó que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo, pasandose á informe á la contaduria por lo relativó á la diferencia de los once pesos.=Dos rúbricas.

—

Sesion del dia 8, *de Enero de* 1847.

Se reunieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 7, se dió cuenta con las comunicaciones siguientes:

Primera. Del E. S. Ministro de Hacienda f ha de hoy pidiendo se le remitan siete mil pesos en calidad de reintegro con los primeros recursos q. tenga.=La Junta acordó que se remitan á la Tesoreria mil trece pesos, única cantidad disponible con que cuenta manifestandose asi en contestacion al ES. Ministro: que se comunique á la Contaduria y se recoja de la Tesoreria general el correspondiente Certificado, salvando su voto el S. Flores.

Dos. Del Director interino del Colegio f ha. de ayer participando la eleccion de la junta facultativa del mismo.=De enterado.

Tres. De D. Cayetano Buitron f ha. de hoy remitiendo dos mil treinta y cuatro ps. cinco rs. seis gs. por el derecho de miñeria perteneciente al mes pasado.=Recibo y á la Contaduria.=Dos rúbricas.

—

Sesion del 9 *de Enero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 8. se dio cuenta con la solicitud de los

empleados de la Contaduria para que al participar el fallecimiento del Contador le pida al supremo Gob°. mande estender los despachos correspondientes á sus ascensos conforme al decreto de 30 de Diciembre de 1845.—La Junta acordó de conformidad agregando que se recuerde con este motivo al supremo Gobierno el despacho de las comunicaciones que ha dirijido la junta sobre pago del Colegio y asignacion de la oficina que se satisface del fondo de azogue. En seguida la Junta acordó se entreguen á su presidente el S. D. Juan M. Flores dos mil quinientos pesos para los gastos de la negociacion de Tasco en el presente mes y que se comunicase á la Contaduria, rindiendo la cuenta á fin de mes.

Se leyó una instancia de D. Josè Garcia solicitando la plaza de escribiente de Contaduria que debe quedar vacante por ascenso de Don Fran°°. Bonilla.—Dos rúbricas.

—

Sesion del 11 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 9, se dio cuenta con las comunicaciones siguientes.

De los E. E. SS. Gobernadores de los Estados de Mèjico y Queretaro, de la Direccion de Colonizacion è industria de la del Tabaco y rentas estancadas y de la Admon. gral. de correos contestando de enterado á la circular en que se les participó quedar funcionando de Presidente en este año el S. Don Juan M. Flores.—A su espediente.

Del encargado de la recaudacion en Durango f ha. 1°. del corriente participando haber entregado en mano propia la contestacion que se le encargó p°. el S. Admor. de rentas de aquel Departamento en ya respuesta remitiria tan pronto como la recibiese.—A su espediente.

Seis comunicaciones de D. Josè Zamora en Tasco remitiendo con la primera las memorias numeros 1. de aquello negociacion: pidiendo en la segunda se le remita el sulfato que tiene pedido para satisfacer la cantidad que le han prestado: avisa haber continuado la obra que habia suspendido en la mina por falta de pólvora: que en esta semana comenzara el desagüe: que la saca y leyes de los metales continua sin novedad: que habia comensado á preparar el molino de Cantarranas y que para la raya necesitaba de seis cientos pesos.—De enterado. En el tercero manifiesta que no pudiendo ecsanimar la cuenta de los derechos del Tribunal de Tasco por hallarse en poder del S. Barreda de acuerdo con el S. Quinones es de parecer se dia al Jugzado tres ó cuatro cientos pesos y en caento tenga la cuenta

la ecsaminará con toda escrupulosidad.—La junta acordó de conformidad y que se remita copia al S. Zamora de la cuenta de que se trata pidiendosela á dicho S. Lic. Barreda. En los tres últimos avisa haber girado bajo los num. 3. 4 y 5, otras tantos libranzas valiosas cien pesos la primera, y trescientos cada una de las otras.—Que se paguen.—En carta particular manifiesta el mismo al S. Segura el resultado de las elecciones de cólegas en aquel Tribunal, avisa que le han nombrado de Alcalde y pide que se apoye su acepcion fundado en el articulo de la ordenanza recomendándola al E. S. Gobernador del Estado de Méjico.—La Junta acordó que se le den las gracias por sus buenos servicios en la Junta electoral y que se le diga puede remitir su instancia por conducto de la junta quien la recomendará eficazmente.

Se leyó una solicitud del Ciud°. Jose de Jesus Piña solicitando una de las vacantes de escribiente en la Sria ó Contaduria.—La junta acordó que se reserve para su caso agregandose á su espediente.—Dos rúbricas.

—

Sesion del 12 *de Enero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de haber aprobado la acta del dia 11, se dio cuenta con un informe de la contaduria sobre la comunicacion del apoderado en Chihuahua f ha. 22 del pasado manifestando la equivocacion padecida en la remesa ant°. importante once ps. y rs.: la contaduria manifiesta su conformidad en ella con sola la diferencia de medio rs.—La junta de acuerdo ordenò se le conteste asi al apoderado y se agregue al espediente.

Se leyó un informe de la mesa de administracion sobre los capitales impuestos p°. la construccion del puente de Zimapan en que opina se pida á la Contaduria la noticia y liquidacion de dichos capitales, asi como de los reditos que de ellos se hayan satisfecho.—La junta acordó que se pidan al Lic. Barreda los documentos q tiene en su poder, lo mismo que al archivo todos los q°. haya en él sobre el citado puente á fin de que amplic su dietamen la mesa.—Dos rúbricas.

—

Sesion del 15 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del 12 se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Puebla y del Juzgado minero de Pachuca f ha. 13 del corriente contestando á la circular en que se les participó quedar de presidente el S. Flores.

Dos. Del Juzg°. minero de Mazapil remitiendo la acta de sus elecciones.=Ynforme la mesa de fomento.

Tres. Del Apoderado en Guanajuato remitiendo copias del oficio que le remitio el E. S. Gobernador insistiendo en el prestamo de cinco mil pesos.=La Junta acordó q. se manifiesten al supremo Gobierno, se sirva declarar á la junta comprendida en la circular de 28 de Noviembre recordando las cantidades que se le han entrégada: que se diga asi al Sor Pohls advirtiéndole que debiendo mandar los productos del derecho en los primeros dias del mes debe remitirlos inmediatamente salvando asi su responsabilidad.

Cuatro. Del Apoderado en Durango remitiendo una libranza de setecientos (*pesos*) cuarenta y cuatro ps. setenta y siete centavos.=Que se reconozca la letra, se hagan los debidos asientos y se acuse el recibo.

Cinco. Del Apoderado en Pachuca remitiendo en libranza mil trescientos doce ps. tres rs. cuatro gs. por productos del mes pasado.=La junta acordó lo mismo que en el anterior.

Seis. Del Lic. D. Cástulo Barreda remitiendo sus observaciones á la cuenta de los derechos causados por el Tribunal de Tasco.=A la contaduria.

Siete. De D. Manuel Mariano Cortazar f ha. 12 del pasado manifestando las dificultadas que se han presentado para cumplir su contrato de compra de las ecsistencias y enceres que quedaron en la mina de Atargea asi como para dar la fianza que ofrecio otorgaria el S. Director de la compañia del mineral del Monte=La junta acordó se le conteste que estando comprometid á verificar dicho contrato nada tiene que ver la Junta si se denuncia la mina por q. el la haya abandonado y que se verá precisada á reclamar su complimento y la escritura de fianza, donde y cuando convenga.=una rúbrica.

—

Sesion del 18 *de Enero de* 1847.

Concurrieron los SS. Segura y Bassoco y despues de aprobada la acta del dia 15, se dio cuenta con las comunicaciones siguientes:

Cuatro de los EE. SS. Gobernadores de los Estados de Aguas calientes, Michoacan, S. Luis y Veracruz contestando la circular en que se les participó el nombramiento de Presidente.

Quinto y sesto. De los Tribunales mercantil de Mèjico y de Mineria de Guanajuato sobre lo mismo.=A su espediente.

Setimo. Del profesor D. Blas Balcarcel f ha. de hoy avisando habèrsele prevenido por el Ministerio del ramo entregase la Direccion al primer vocal de la Junta facultativa Don Joaquin

Velazquez, lo que habia verificado en el mismo acto.=De enterado y participese á la Contaduria.

Octavo. Del comisionado de Zacatecas f ha. 12 remitiendo una letra de cuatro mil seiscientos veintitres ps. un real por productos de mineria en el mes de Diciembre y un recibo de veinticinco ps. del Alumno D. Agustin Ayala.=Que se reconozca la letra se hayan los debidos asientos y se acuse el recibo.

Nueve. Del de S. Luis Potosi remitiendo una letra valiosa mil seiscientos noventa y tres pesos cuarenta y dos centavos y recayò el mismo acuerdo q. en el anterior.

Dies. Del de Guanajuato f ha. 15, acompañando la cuenta del tercio concluido en Diciembre con sus respectivos comprobantes; y avisando que los productos correspondientes á Diciembre han sido cinco mil quinientos setenta y ocho pesos siete rs. once granos que se ha cargado á la cuenta nueva y no remite por que considera embargada la cantidad de cinco mil pesos que tiene en su poder a virtud de un oficio que acompaña el E. S. Gobernad^{r}. de aquel Departamento en que dice no está comprendida la junta en la circular de 28 de Nov^{l}. del año anterior.=La junta acordó que se suspenda la contestacion entre tanto se acerca el S. Bassoco al Ministerio á fin de agitar la resolucion de la nota que se le pasó sobre este asunto el 15 del corriente.

Once. Del de Guadalajara f ha 12, manifestando que habiendo ocurrido algunar dificultades juridicas con relacion á la casa de Moneda, necessitaba un documento que acreditase su representacion por la junta en aquella ciudad.=Que se inserte al Señor Mackintosh para que le sustituya el poder q. tiene de la Junta.

Doce. Tres del Juzgado de Guanajuato f ha. 9, del corriente el primero manifestando las reclamaciones que hacen D. Ygnacio Porto y demas dueños de la mina del Toro por la cantidad de tres cientos cincuenta pesos mitad de la suma en que vendieron dha. mina y que se les resta todavia.=Que informe la mesa de fomento. En el segundo f ha. 13, avisa haber recojido la herramienta de las minas del Toro, Clavellinas y Guadalupe y propone la venta de la madera q. haya quedado en las fàbricas de Clavellinas p^{a}. evitar su estravio.=Y se dió el mismo acuerdo. En el tercero f ha. 14, participa haber desistido de su denuncio de la mina de Guadalupe el D^{r}. Vidal y pide que á vuelta de correo conteste la junta.=Ella dio el mismo acuerdo.

Trece. Cuatro comunicaciones de D. José Zamorá f has. 18, remitiendo con la 1^{a}. las memorias 2.=Recibo y á la Contaduria. Manifestando en la segunda que considera útil aceptar los servicios que ofrece D. Agustin Font pero manifestando que

las labores se han hecho con toda regularidad. Avisando en la tercera haber girado bajo el numº. 6, una letra valiosa cien pesos á favor de D. Jorge Raffard.=Que se pague. Y participando en la última haberse recibido una orn. del Gobierno del Departamento en que ofreciendo remitir el decreto respectivo dice que la legislatura ha prevenido no se varien los juzgados del Estado en este año, cuyo determinacion contraria á la ordenanza cree haber sido recabada por sorpresa por el S. Madariaga. Comunica despues no haberse insistido en el prestamo de doscientos pesos y que necesita de cuatro ó seis carabinas para defensa de los intereses de aquella negociacion.=Que se inserte la parte relativa al S. Lic. Barreda á fin de que diga si podrá encargarse de hablar al S. Gobernador sobre el asunto la persona á quien comisionó en Toluca y que se diga al S. Zamora avise si puede conseguir las carabinas en Tasco avisando su presio.=Dos rúbricas.

—

Sesion del 20 *de Enero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del 18, se dio cuenta con una comunicacion del S. Profesor D. Joaquin Velasquez de Leon f ha. 18, en q. participa haberse encargado de la Direccion interina del Colegio por orn. del ES. Presidente interino.=De enterado con satisfaccion y que la Junta abunda en los mismos sentimentos qᵉ. le manifiesta y contribuirá por su parte en cuanto pueda á los adelantos del Colegio.

Una instancia de D. Pantaleon Teran solicitando la vacante que deba resultar en la secretaria.=Que se reserve para su caso.

El Sor. Bassoco manifesto que no habiendo podido recaba la orden que solicitò la junta pª. manifestar su acepcion del prestamo impuesto en Guanajuato se debia manifestar asi al S. Pohls y que continuase resistiendo su exhibicion, y asi se acordó.

La Junta acordó tambien que se conteste al S. Zamora que por ahora no cree conveniente aceptar la oferta del S. Font.

Se leyó por ultimo un informe de la mesa de fomento sobre el oficio del Tribunal de Guanajuato f ha. 14, del corriente sobre la provicion al denuncio de la mina de Guadalupe en Clavellinas, manifestando que la Junta no debe oponerse á él conforme á los antecedientes q. obran en el espediente, y asi se acordó agregando que se le diga tambien q. por el procsimo correo, se le indicara la persona á quien debe entregar los enceres y ecsistencias.=Dos rúbricas.

Sesion del 21 *de Enero de* 1847.

Concurrieron los SS. Segura y Bassoco y despues de aprobada la acta anterior se dio cuenta con una comunicacion del E. S. General en gefe del ejercito contestando satisfactoriamente á la felicitacion que le dirijio la junta:

Dos. De los EE. SS. Gobernadores de los Departam^{tos}. de Jalisco y Zacatecas acusando recibo á la circular en q. se participó el nombramiento de nuevo presidente.=A su espediente.

Tres. Otros de los juzgados mineros de Anganguco y Tlalpujahua sobre lo mismo. A su espediente.

Cuatro. Del Apoderado en Guadalajara f ha. 15, del corriente remitiendo una letra de mil cincuenta y cinco pesos siete rs. por productos del derecho en el mes pasado.=Que se reconosca la letra, se hagan los debidos asientos y se acuse recibo.

Cinco. Del de Durango acompañando la contestacion al reclamo que se dirijio á la Admon. de rentas de aquel Departamento por su conducto.=Ynforme la contaduria.

Seis. Del Juzgado de Tlalpujahua acompañando sus denuncio de Mina nueva encontrada bajo una casa de aquella poblacion.=La junta acordó de conformidad por lo informado verbalmente p^{r}. la Secretaria se remita con informe al E. S. Gobernador del Estado de Michoacan consultando su aprobacion en el caso de que las autoridades municipales de aquel punto no encuentren inconveniente, é insertandole la resolucion de supremo Gobierno sobre que los Gobernadores de los Estados ejersan la facultad de que habla el art^{o}. 15, del tit. 6°. de la Ordenanza.=Dos rúbricas.

—

Sesion del 25 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 21, se dio cuenta con las comunicaciones siguientes:

Tres de los juzgados mineros de Catorce, Sultepec y Tasco acusando recibo de la circular en que se les participó quedar de presidente el S. Flores. A su espediente.

Cuatro. Del comisionado en Guanajuato f ha. 22, remitiendo una letra de quinientos setenta y ocho ps. siete rs. once gr. por productos del derecho en el mes pasado por considerar embargados los cinco mil restantes aunque habia insertado al E. S. Gobernador la comunicacion en que la Junta le dijo haber ocurrido al E. S. Vice Presidente á fin de que la declarase inclusa en la circular de 28 de Nov^{e}. del año anterior.=La junta acordó que se reconosca la letra, se hagan los debidos asientos se acuse el recibo y se le manifieste que debio haber remitido

los cinco mil pesos pues á virtud de estar pendiente la resolucion del supremo Gobierno el del Estado no podia mandar embargar; mas aun cuando asi fuere remitida en libranza dha. cantidad quedaban los productos pertenecentos á este mes si el Gobierno insistia, mucho mas cuando se le manifestó espresam^{te}. en 16 del corriente que si el embargo se verificaba pasados los primeros quince dias de este mes, seria responsable p^{r}. no haber cumplido las orns. de sus instrucciones.=Ynsistese al S. Mackintosh la comunicacion citada del dia 16 la que hoy remite el S. Polhs y su contestacion.

Ocho comunicaciones de D. Josè Zamora remitiendo en la 1^{a}. las memorias n. 3.=Recibo y á la contaduria. En la segunda acusa recibo de la cuenta que ha formado aquel Tribunal y ofrece revisar. Participa en la tercera que la mina continua con muy poca variacion y que necesita para la raya de seis cientos pesos.=De enterado. Consulta en la cuarta la venta de veinticinco á treinta á de cobre inservibles que solicita comprar el S. Aramburu á veinticinco pesos quintal.=Que lo venda al mejor precio que pueda avisando las pieras que sean las que se vendan para anotarlo en el inventario. Dice en el quinto que el S. Prefecto participa que el E. S. Gobernador lo faculta para reducir la cuota de doscientos pesos á solo cien de préstamo.=Que se le inserte la declaracion del Supremo Gobierno en el préstamo. En las tres últimas avisa haber girado tres libranzas la n°. 7, de cuatrocientos pesos á favor de D. Benito Ortiz en 23 del presente, la num^{o}. 8 de trescientos pesos ál de D. Leoncio Blanco en la misma fecha y la num^{o}. 9,de igual suma á favor del mismo Blanco y en la propia f ha.=Dos rúbricas.

—

Sesion del 27 *de Enero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia anterior se dio cta, con los dos informes que siguen de la Contaduria de la Junta:

Primera. Sobre la última comunicacion del Apoderado en Durango relativa á la deuda de cuatro mil cuatrocientos setenta y siete pesos seis rs. tres gr. pertenecientes al uno p$^{o}_{o}$. opinando se manifieste todo lo sucedido al Gobierno y la junta opinó de conformidad.

Segundo. Manifestando estar de acuerdo con las observaciones hechas á la cuenta de los derechos del Tribunal de Tasco por el S. Lic. D. Castulo Barreda. La Junto acordó de conformidad, advirtiendo al S. Flores un equivoco de un peso que se deduce de menos en dicha cuenta y se acordó por último se se remita al S. Zamora para que en union del S. Quiñones

ecsaminen dha. cta. aclaren las dudas que puedan de las que espone el Sor. Barreda é informen lo que crean conveniente.

Finalmente, la junta acordó se entregue á dicho Sor. Lic. un exemplar de la ordenanza de mineria q^{e} pide=Dos rubricas.

—

Sesion del 28 *de Enero de* 1847.

Concurrieron los S. S. Flores Segura y Bassoco y despues de aprobada la acta del dia 27, se dio cuenta con las comunicaciones siguientes:

Primera. De la Suprema Corte de Justicia f ha 26 participando haber nombrado Tesorero recandador del fondo establecido por la ley de 30 de Nov^{e}. de 846, al Lic. D. Pablo Vergara =De enterado.

Dos. Tres del Ministerio de Relaciones f ha. 27, participando en la primera haber insertado al Ministerio de Hacienda la comunicacion de 5, del actual para que se prevenga al Admor. de Veracruz el puntual cumplimiento de la orn. de 9, del pasado.=A su espediente. En el segundo avisa que el E. S. Vice presidente no accede á la revocacion que se solicito de la orden que previno se supliese del fondo dotal los gastos del Colegio y oficina que se satisfacian del de azogue.=A su espediente. En el tercero aprueba la provision que por rigorosa escala hizo la junta de Contador y oficiales en convenencia del fallecimiento de Don Miguel Hierro.=A su espediente.

Tres. Del E. S. Gobernador del Estado de Durango f ha. 18 y del Juzg^{o} del Fresnillo f ha. 20, acusando recibo á la circular en que se les participó la presidencia del S. Flores.=A su espediente.

Cuatro. De la Admon. pral. de Contribuciones directas f ha. 25, pidiendo una manifestacion de los empleados en la oficina para formar la liquidacion correspondiente.=Que se remita.

Cinco. Del comisionado en Guanajuato f ha. 25, remitiendo una letra de mil seiscientos sesenta y seis pesos, cinco rs. cuatro granos que retuvo en su poder del derecho del mes pasado á virtud de haberse asignado por aquel Gobierno cinco mil pesos de préstamo á la recaudacion del derecho en aquel Estado y que conforme á la ley de 19 de Nov^{e}. solo podia ecsijirie dos terceras partes en plata y el resto en papel. Avisa haber entregado tres mil trescientos treinta y tres pesos dos rs. y una fianza del papel correspondiente considerando que este paso debia darse mas bien que aguadar el embargo formal y diligencias consiguientes en cuyo caso dice se le habria ecsijido toda la cantidad en numerario.

La Junta acordó que se reconozca la letra, se hagan los cor-

respondientes asientos, y se acuse el recibo: que se le manifieste ademas que habiendosele dicho oportunam^te. y por dos ocaciones que resistiera la exhivicion de f ha. cantidad por estar esceptuada la Junta, estrana q. con todas sus prevenciones entregase la cantidad sin aguardar á que se le embargase; que habiendosele prevenido que conforme á sus instrucciones debe librar los productos del derecho del mes pasado en los primeros dias del siguiente el dinero que entregó ya es de su responsabilidad, mucho mas cuando no llegó el caso del embargo en que la fuerza acaso pudiera salvarlo sin que sea cierto que si se hubiese embargodo habria tenido que dar los cinco mil pesos en numerario, pues el decreto espresa terminantemente que solo dos partes sean en dinero y una en crèditos; por ultimo que sin recibir las libranzas del clero, el Gobierno no podia obligar a la exhibision á los prestamistas y por consiguiente que con los documentos que se le remitieron tiene lo bastante para recobrar los tres mil tres cientos treinta y tres pesos que quiso entregar, p^o. q. la Junta tiene su derecho á salvo para reclamarle esta cantidad, y asi lo hará y lo avisa ya á la casa de los SS. Manning y Mackintosh.

Se leyó una instancia de D. Yg^o. Castro para la plaza de escribiente vacante en la contaduria.—A su espediente.—Dos rúbricas.

—

Sesion de 1°. *de Febrero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 28, del pasado se presentó el S. Lic. D. Cástulo Barreda y entregó la cuenta de los derechos que ha devengado como patrono de la Junta, en los espedientes de denuncio de la mina de S. Juan y de la Trinidad.—A la contaduria para que informe.

Se leyeron las comunicaciones siguientes:

Primera. Del Juzg^o. minero de Temascaltepec acusando recibo de la circular en que se le participa quedar de Presidente de la Junta el S. Flores.—A su espediente.

Dos. Del de Sayula acusando recibo de la misma circular, y participando el decreto de aquella legislatura de 11 de Enero de este año en que declara la cesacion de los juzgados mineros. A su espediente.

Tres. Del de Guanajuato f ha. 29, ofreciendo manifestar á la junta las ecsistencias q. hay en la mina del Toro, cuando conteste el Alcalde á quien se ha oficiado lo haga y diciendo que la herramienta importará cosa de 67 pesos.—A su espediente.

Cuatro. Del comisionado en Zimapan remitiendo una letra de ciento veinticuatro pesos dos rs. seis y trescuartos por los

derechos del mes pasado.—Que se reconozca y cobre la letra, se hagan los debidos asientos y se acuse el recibo.

Cinco. Del comisionado en Guanajuato fha. 29, avisando haber recibido y pasado al Gobierno de aquel Estado la comunicacion del Ministerio de Relaciones que declara esceptuada la junta del préstamo forzoso en los Estados.—A su espediente.

Seis: del Albasea de la Testamentaria de Don Miguel Hierro para que comisione persona q. represente sus derechos por los trescientos cincuenta ps. q. adeuda á la junta. Ella acordó que se comisione al Sor Delmotte, sin que por esto la junta actual tome sobre si la responsabilidad de la anterior, y que se avise dicho nombram^to^. al S. Albacea y al Sor. Delmotte.

Siete. Dies oficios de D. José Zamora f ha. 30, del pasado remitiendo con el primero las memorias num. 4, de la negociacion de Tasco.—Recibo y á la Contaduria. En la segunda acusa recibo del informe que dio el S. Barreda á la cuenta de dros. del Tral. de Tasco.—A su esped^te^.—En el 3°. hace lo mismo respecto de la copia del oficio remitido al Gobernador de Guanajuato sobre préstamo. Avisa en el 4°. haber recibido dies pesós que se prestaron al arriero Agustin Fiz. y pide se le diya el precio de la caja de polvora que se le mandó de Cuernavaca—que se cargue los diez pesos del arriero y se le diga el precio de la pólvora.—Avisa en el 5°. que á las venitiseis varas se ha cortado la veta que se buscaba en la obra que se dió en el interior del socabon de Guadalupe; que el ancho de la veta es de tres cuartas y de buen metal, habiendose logrado tambien el desagüe de la parte superior: que el costo todo de la obra no ha llegado à mil pesos, y q. el desagüe del pozo de Dolores continua bien: que en la Hacienda se lavaron en la semana seiscientos cincuenta quintales, aguardando el sulfato que tiene pedido p^a^. poner en beneficio otra partida de trescientos, y q. p^a^. la raya de la presente semana necesita de seis cientos cincuenta pesos.—De enterado y que se oficio al S. Director del Apartado pidiendo el Sulfato. Pide en el 6°. se apruebe el gasto de diez pesos semanarios á D. Agustin Font y tres cada semana para sus minero que cinde de noche las labores, como ausiliares indispensables, en virtud de la estencion que han llegado á tener los trabajos de Trinidad.—De conformidad.—En los cuatro ùltimos avisa haber girado en cuatro ebranzas mil setenta pesos.—Que se paguen.

El S. Flores presentó la cuenta de los dos mil quinientos plisos que se le entregaron para acudir en el mes pasado á los gastos de la negociacion de Tasco, y se mandò pasar à la contaduria.—Dos rùbricas.

Sesion del 4 de Febrero de 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 1°. se dio cuenta con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones f ha. 30, del pasado remitiendo una instancia de D. Fran^co^. Fischer, en solicitud de la plaza vacante de escribiente.=A su espediente.

Dos. De los Juzgados mineros de Sombrerete y Mazapil, acusando recibo de la circular en que se les participo quedar de presidente en este año el S. D. Juan M. Flores. A su espediente.

Tres. De los del Fresnillo y Asientos en Aguas calientes participando la eleccion de sus còlegas.=Enterado con satisfaccion.

Cuatro. Del comisionado en Sombrerete remitiendo una letra de treinta y cuatro ps. uno y medio gr. por productos del mes de Diciembre en Sombrerete.=Que se reconozca y sobre la letra, se hagan los debidos asientos y se acuse el recibo.

Cinco. Del mismo remitiendo los comprobantes del 1°. al 9 del ultimo tercio del año pp^or^.=A la Contaduria.

Seis. Del comisionado en Guanajuato f ha. 1°. del corriente, avisando haber pasado à la Comisaria el oficio del Ministerio de Relaciones que se le mandò ultimamente y adjuntando en copia la contestacion dado por aquel S. Gobernador en que dice: que con aquella f ha. hacia sus observaciones al supremo Gobierno. =La junta acordò que se inserte al mismo dicha contestacion y que el S. Bassoco se encargue de hablar con el S. Mackintosh sobre la responsabilidad de los tres mil trescientos treinta y tres pesos.

Siete. Del S. D. Josè Delmotte f ha. 3, aceptando la comision para representar à la junta en la Testamentaria del S. Hierro, y pidiendo el espediente de la materia y copia autorizada de las actas relativas.=Que se le remitan.

Ocho. De la Direccion del Apartado manifestando la distribucion que hace del Sulfato, y que podia mandar la junta por cuatro quintales.=Que se pague su importe y se avise al S. Zamora para que mande por él. Se leyó un informe de la mesa de Admon. f ha. de hoy sobre la deuda del S. Lic. D. Diego Josè Perez y Fernandez.=La junta acordó comisionar al S. Srio D. Josè M. Castera, para que verbalmente averigüe de dho. Sor. la persona que pagó los cien pesos que constan satisfechos por su cuenta y que arregle los abonos atrasados que debia haber hecho y los que haya de hacer en lo futuro.=dos rúbricas.

Sesion del 6 de Febrero de 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 4, se dio cuenta con las comunicaciones siguientes:

Del Ministerio de Relaciones.

Primera. Del 27 del pasado acordando que se considere como meritorio de la seccion de contaduria á D. Fran^co^. Segura con tal de que por parte de la junta no se pace algun inconveniente: y la junta acordó se suspendiere el asunto para otra sesion.

Dos. De 29, del mismo, insertando la comunicacion que dirijio al Ministerio de Hacienda acompañandole copia de un oficio del 23, en que se pidio dinero á la junta para competarl el rancho de la tropa; y del de esta remitiéndole mil cien pesos.—A su espediente.

Tres. Del 1°. del presente avisando haber pasado al Ministerio de Hacienda la comunicacion de la junta en que pidió se libren las ordenes necesarias para que el Admor. de rentas de Durango, pague los cuatro mil cuatrocientos setenta y siete pesos seis rs. tres gr. que debe del 1 p°. de circulacion de moneda.—A su espediente.

Cuatro. De 3 del mismo, insertando la orden comunicada al E. S. Gobernador del Estado de Guanajuato, para que reintegre la cantidad que haya percibido por el prèstamo q. impuso à aquella recaudacion declarandola esceptuada de èl.—Ynsertese al S. Pohls manifestandole la responsabilidad de la casa contratista.

Se leyo un informe de la Contaduria sobre la cuenta de honorarios del Lic. de Cástulo Barreda que concluye opinando se desglose sus recibo del S. Quiñones, que consta en ella y se le satisfaga el resto.—La junta acordó de conformidad.—Dos rúbricas.

—

Sesion del 8 *de Febrero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 6, se dio cuenta con las comunicaciones sig^tes^.:

Primera. Del Gob^o^. de Chiapas acusando recibo à la circular en que se le participó quedar funcionando de Presidente el S. Flores. A su espediente.

Dos. Del de Michoacan, avisando que de conformidad con la indicacion de la junta, ha pedido à la municipalidad de Tlalpujahua el informe conveniente sobae la circunstancia de tener que barrenarse una calle para el laborio de la mina que se ha denunciado.—A su espediente.

Tres. Del Directoa del Colegio Nacional, partisipando que el Alumno d Franco. Erdosain, va à practicar en Anganguco, y pidiendo las órdenes correspondientes para que reciba alli su asignacion.—La junta acordó se le conteste que no teniendo apoderado en el Estado de Michoacan, no puede accederse à su pedido.

Cuatro. De D. Sebastian Segura f ha. 6, en Pachuca, manifestando no haber podido remitir la cuenta y el importe de los alquileres de las casas que tiene alli la Junta; pero que lo verificarà personalmente à mediados de este mes.—à su espediente.

Cinco. Del Apoderado de Zacatecas f ha. 2 del corrte. remitiendo el certificado de la Admon. de rtas. que faltaba à su cuenta del tercio pasado.—A su espediente.

Seis. Del Apoderado en Guadalupe y Calvo à 12 de Enero avisando haber ordenado à su encargado en el Parral, ecsija del S. Lujan de Muñoz las cuentas q. se le han pedido, y escusandose del cobro de la deuda del S. Rodriguez, por no encontrar persona q. quiera encargase del asunto á virtud de no haber esperanza de poder consiguir algo—á su espediente.

Siete. Del comisionado en Guanajuato á 5 del corriente protestando contra la responsabilidad que se le indicó por el pago del préstamo impuesto á aquella recaudacion, y que no entrará en contestaciones sobre esta materia, sino con los SS. Manning y Makintosh de quienes recibio el encargo: remite una letra de tres mil pesos que habia cobrado hasta aquella f ha. —Que se reconosca la letra, se hagan los asientos correspondientes y se acuse recibo.

Ocho. Siete communicaciones de D. José Zamora f ha 6 del corriente acompañando á la 1ª las memorias nº. 5, la boleta de beneficio y los estados y corte de caja nº. 1.—Recibo y á la Contaduria. Avisando en el segundo que manda al arriero Fiz por los cuatro quintales de sulfato, y que queda esperando se le avise cuando puede mandar por otros cuatro—que se remita el sulfato que pide, y se le diga q. la semana entrante puede mandar por otros seis. En el tercero participa que la ley del metal en la veta cortada es de sesenta marcos por cien quintales: que habia mandado colar la obra tres ó cuatro varas mas: que la veta tenia de cinco cuartas hasta vara y media de ancho aunque en ramales: qe en el pozo de Dolores habia bajado el agua catorce varas: que en la Hacienda de Cantarranas se completaria la madera para la rueda en todo el mes: y qe para la raya de esta semana necesita de setecientos pesos—De enterado. En los cuatro últimos avisa haber girado en cuatro libranzas la cantidad de ochocientos noventa y ocho pesos— que se paguen.

Se leyó por último una solicitud del Ciudo. Pedro Táuregui

para que se le confiera una de las plazas vacantes de escribiente —á su espediente—Dos rúbricas.

—

Sesion del 10 *de Febrero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 8, se dió cuenta con un dictamen de la mesa de fomento sobre la renuncia q. hace D. Ygnacio Castelaso de la presidencia del Juzg° de Pachuca, y despues de una detenida discusion se acordó contestar á dho. Señor, que no teniendo ya la Junta en este punto las facultades que le dio la ley de 2 de Dbre. de 1842, á virtud del restablecimiento de la federacion, no puede remitir su instancia, como descara hacerlo, al Gob° del Estado de Mejico á quien corresponde la resolucion, y á quien podrá dirijir su ocurso conforme á la declaracion suprema de Noviembre pp°.

Se leyó en seguida la cuenta que presentó la Tesoreria de lo cobrado en Enero de las fincas de edificio y se mandó pasar á la contaduria.

La Junta acordó finalmente q. se oficie al S. Director de la casa de Moneda, recordandole el pago del importe de siete barras de plata que se introdujeron por su cuenta desde 16 de Marzo ant°. y q°. hasta ahora no se ha satisfecho—Dos rúbricas.

—

Sesion del dia 11 *de Febrero de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del dia 10, se dio cuenta con las comunicaciones siguientes:

Dos del E. S. Gobernador de Chihuahua y del apoderado en aquella capital acusando recibo de la circular en que se les participa funcionaba de Presidente de la Junta en este año el S. Flores.—A su espediente.

Tres. Del Tribunal de Anganguco remitiendo el acta de un colega y dos consultores.—De enterado.

Cuatro. Del Apoderado de Durango remitiendo una letra de mil cuatrocientos treinta y tres pesos veintitres centavos por productos de mineria del mes de Enero—que se reconosca la letra, se hagan los correspondientes asientos y se acuse el recibo.

Cinco. Del comisionado en Pachuca fha 10 del corriente remitiendo la cuenta del trimestre terminado en Diciembre—A la contaduria.

Seis. De D. Cayetano Buitron, manifestando que ha remitido á D. Manuel M°. Lebrija todos los documentos necesarios

para que pueda presentar sus cuentas—La Junta acordó que se oficie al S. Lebrija para q. remita sus cuentas pendientes dentro del término de quínce dias á lo mas en atencion á que el S. Buitron ha manifestado haberle remitido todos los documentos. —Dos rúbricas.

—

Sesion del dia 15 *de Febrero de* 1847.

Concurrieron los SS. Segura, Flores y Bassoco y despues de aprobada la acta del dia 11, se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Tamaulipas acusando recibo de la circular en que se le participò quedar funcionando de presidente en este año el S. D. Juan M. Flores.

Dos. Del comisionado en Zimapan remitiendo una letra de doscientos sesenta y cuatro pesos seis rs. por productos del derecho en el mes pp^{ox}.—Que se reconosca y cobre la letra, se hagan los correspond^{tes}. asientos y se acuse el recibo.

Tres. Del de Guadalajara adjuntando otra de setecientos diez y seis pesos tres rs. uno y medio gs—que se reconosca la letra, se hagan los respectivos asientos y se acuse el recibo.

Cuatro. Del de Guanajuato acompañando otra de dos mil ochocientos setenta y un pesos siete rs. por resto de los productos del mes pp^{ox}., con mas un recibo de cincuenta y cinco pesos cuatro rs. importe de los protestos que se verificaron en el Asunto del préstamo de los tres mil trescientos trienta y tres pesos.—Reconóscase la letra, hagame los asientos y acusese el recibo. Digase al S. Mackintosh q. habiéndose negado el S. Polhs á entenderse con la Junta en cuanto á los 3,333 pesos del préstamo y ni a un dice el resultado de la última comunicacion del Gob^{o}. se le prevenga el cobro, bajo el concepto de que es responsable la casa contralista.

Cinco. Cuatro de D. José Zamora fha 13, acompañando en la 1ª las memorias n° 6 y la boleta de beneficio n° 2 de la negociacion de Tasco.—Recibo y á la contaduria y avisando en las otras tres haber girado á favor de D. Rafael Solarez mil cuatrocientos pesos—que se pague.

El Lic. D. Castulo Barreda presento una cta. de honorarios en el asunto de denuncio del socabon.—A la contaduria.—Dos rúbricas.

—

Sesion del 18 *de Febrero de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 15, se leyó un dictamen de la contaduria sobre la cuenta de honorarios presentada por el Lic. D.

Castulo Barreda importante cuarenta pesos, en que opina, ser de aprobarse y se mandó pagar dicha cantidad.

Se dió cuenta con las tres comunicaciones sig^{tes}:

Primera. De D. José Zamora fha 13 pidiendo la tela necesaria y conveniente para los dos molinos, asi como el resto del Sulfato que tiene pedido, y dos cajas de polvora.—Que se compren y se le manden.

Dos. Del Comisionado en Guaymas fha 18 de Enero manifestando que desde Abril del año pasado remitió la cuenta del último tercie de 45 perteneceinte á Hermosillo, la que volverá á mandar, pues cree se haya estraviado. Remite el duplicado de una libranza de quinientos cincuenta y ocho pesos noventa y ocho centavos, girado en 20 de Abril, mas habiendo advertido la mesa de Admon, que por las constanciar que ecsisten en la contaduria aparece satisfecha la letra por la casa contratista, y q. las ctas. de que se trata estan tambien en dicha oficina, la junta acordó se diga asi al S. Robinson, devolviendole el duplicado de la letra. Como la contaduria opinase que se reclamaran á dho comisionado el importe del papel del sello quinto en que debio haber venido la cuenta, y el porte de cartas que se carga importando ambas partidas cinco pesos seis rs. ella dispuso no se haga dicho reclamo en virtud de la dificultad de aquella recaudacion y del corto premio que queda al comisionado por la escaso de los productos.

Tres. De los comisionados en Culiacan contestando á la reclamacion que se les hizo de las cuentas pendientes diciendo que uno de ellos, el Sor. Le Brum debe venir en este mes á Mejico y las traéra. Acompaña tambien un oficio del Sor. D. Juan Nepomucino Lopez Portillo fha 23 de Enero en Mazatlan, en que ofrece entenderse con dichos SS. y concluir sus cuentas, lo que no ha verificado por las convulsiones politicas acaecidas con tanta frecuencia en aquel puerto.—A su esped^{te}, y que se tenga presente á la llegada á Mejico del Señor Le Brum—Dos rúbricas.

—

Sesion del 22 *de Febrero de* 1847.

Concurrieron los SS. Flores Bassoco y Segura y despues de aprobada la acta del dia 18, se dió cuenta con las comunicaciones sig^{tes}.

Una. Del Ministerio de Relaciones, insertando el of^{o}. del de Hacda. en que dice, que dará las órdenes correspondientes para que se remitan á la junta las lbzas. correspondientes al 3 p$^{o}_{o}$. tan luego como se levante el bloqueo.—A su espediente.

Dos. Del mismo acusando recibo de los estados de Yngresos y Egresos del año pasado.

Tres. Del Comisionado de Zacatecas, remitiendo una letra de cuatro mil ochocientos cincuenta y nueve ps. dos rs. por derechos del mes pasado, y un recibo del Alumno Ayala.—Reconóscan la letra, hagame los asientos y se acuse el recibo.

Cuatro. Del de S. Luis Potosi remitiendo las ctas. del ultimo tercio.—A la contaduria.

Cinco. De D. Sebastian Segura en Pachuca fha 16, remitiendo la cuenta del año pasado por las fineas de la junta y doscieutos treinta y nueve ps. cinco rs. á buena cuenta..—Recibo y á la contaduria.

Seis. Tres comunicacioncs de D. José Zamora fhas 20 remitiendo con las 1ª las memorias num. 7, avisando en la segunda q. iba á poner en beneficio dos partidas de metal, el que concluido enviaria cinco barras de plata. De enterado y avisando en la última haber recibido los siete qq. de Sulfato que se le enviaron, participando q. remitirá al arriero por los tres restantes, dos cajas de pólvora y la tela para los molinos, y advirtiendo por último que en la factura con que se pida el Sulfato conste que es para uso de la mineria.—La junta acordó que asi se haga.—Dos rúbricas.

—

Sesion del 25 *de Febrero de* 1847.

Reunidos los SS. Flores, Segura y Bassoco, el Srio. dió cuenta con el resultado de sus trabajos en Toluca, para arreglar el cobro de la que adeuda el Lic. D. Diego José Percz Fernandez, reducido á proponer éste dar una orn. á la Tesoreria del Estado pª. que se le decueenten sesenta pesos mensuales de su sueldo hasta cubrir su crédito, y teniendo la junta en consideracion que cualquiera otro paso originaria gastos empeorandò el cobro por la falta de recursos de Perez y por que tambien ecsisten otros acreedores á sus bienes, acordó que se admita la propuesta y se escriba en este sentido al Lic. D. Ygnacio Arrieta, Apoderado sustitulo, con el fin de que recoja la orn. y los abonos, remitiéndo los á la Tesoreria de la Junta con seguridad y oportunamtº. asi como para que represente á la misma junta en aquella ciudad en los asuntos de Tasco q. puedan ofrecerse. —Dos rúbricas.

—

Sesion del dia 24 *de Marzo de* 1847.

Concurrieron los SS. Flores Segura y Bassoco y despues de aprobada la acta del dia 25 de Febro. antº. se dio cuenta con las comunicaciones siguientes:

Primera. De los EE. SS. Gobernadores de Sonora y Sina-

loa, acusando recibo de la circular en q^{e} se les participó que daba funcionando de Presidente de la Junta en este año el S. Flores.—A su esped^{te}.

Dos. Del Apoderado en Guanajuato fhas 5 y 15 del corriente remitiendo en dos libranzas seis mil trescientos cincuenta y dos ps. dos rs. por productos del mes de Fbro.—Que se reconoscan las letras, se hagan los debidos asientos y se acuse el recibo.

Tres. Del de Durango á 5 de Marzo acompañando otra de ochocientos ochenta y siete ps. setenta y cuatro centavos por el mes anterior, y se acordó lo mismo que en el anterior.

Cuatro. Del mismo fha 19 de Marzo acompañando la cuenta del últ^{o} tercio.—A la contaduria.

Cinco. Del de Chihuahua fha 16 de Fbro. remitiendo una letra de seiscientos noventa y ocho pesos siete rs. por productos de Dbre. y Enero, en aquella capital.—Se mandó reconocer la letra, y previos los asientos debidos acusar el recibo.

Seis. Del mismo y de igual fha. remitiendo la cuenta del ultimo trimestre.—Recibo y á la Contaduria.

Siete. Del de Pachuca á 17 de Marzo, remitiendo otra de mil seiscientos cuarenta y seis pesos, seis gs. por los productos del mes de Fbro.—Que se reconosca la letra, se hagan los debidos asientos y se acuse recibo.

Ocho. Del mismo advirtiendo haber podecido un equívoco en la remision que hizo el mes de Fbro.—Se pasó á la Contad^{a}. para informe.

Nueve. Del de Guadalajara remitiendo seiscientos catorce pesos, cinco rs, ocho gs. por los productos del mismo Fbro. y recayó el mismo acuerdo q. al ant^{r}.

Diez. Del mismo participando haber mandado hacer duplicados de las cuentas correspond^{tes}. al último tercio.—Que se dé noticia á la Contad^{a}.

Once. Del de Culiacan fha 10 de Fbro. remitiendo tres libranzas: una de trescientos veinte y cuatro ps. uno y medio rs. pertenecientes á Alamos por el mes de Nov^{e}. último; otra de trescientos catorce pesos seis rs. pertenecientes á Culiacan en el mes de Dbre, y la 3ª del trescientos un peso cinco rs. correspond^{tes} á Alamos por dicho mes.—Que se reconoscan las letras, se hagan los debidos asientos y se acuse el recibo.

Doce. Otros cuatro del mismo y de igual fha. acompañando una letra de doscientos vientecuatro ps. tres rs. dos octavos pertenecientes á Cosalá en el mes de Nobre, ant^{r} 2^{a} de doscientos treinta y nueve ps. un r^{l}. que corresponden al mismo Mineral por el mes de Dbre. la 3^{a} de ciento diez y nueve pesos siete rs. diez gs. q. pertenecen al de Enero en el mismo punto, y por ultimo otra de ciento sesenta y nueve pesos dos rs. dos octavos

que produjo Culiacan en el mes de Enero.—Que se reconoscan y cobren dichas letras, se hagan los correspondientes asientos y se acuse recibo.

Trece. Del de Guadalupe y Calvo, remitiendo las cuentas con arreglo á la comunicacion que se le dirijió en En° 9 próximo.—A la Contad°.

Catorce. Del de Zacatecas fha 5, del corrte. remitiendo una letra de mil trescientos cincuenta pesos dos rs. diez y medio gs. por cuenta de los productos del mes de Fbro.—Que se reconosca la letra, se hagan los asientos y se acuse recibo. Dos rúbricas.

—

Sesion del 26 *de Marzo de* 1847.

Asistieron los SS. Flores, Seguro y Bassoco: se leyó y aprobó la acta anterior, y se dio cuenta con los oficios siguientes:

Prim°. Del encargado de las negociaciones de Faseo fha. 27 de Febrero acompañando las memorias num° 8 de la mina y de la Hacienda.—Recibo y á la Contaduria.

Dos. Del mismo, igual fha. avisando q. se vendieron á D. Fran°. Aramburu 27 á 15lb. de cobre viejo que á 27 ps. quintal importó ciento setenta y dos pesos cuatro rs, y remitiendo la tornaquia de siete quintales de sulfato.—Recibo dándose conocim^to á la Contaduria y devolviendose la tornaquia.

Tres. Del mismo, 6 de Marzo remitiendo las memorias n° 9 de la mina y de la hacienda y dos estados y un corte de caja marcados con el n° 2.—Recibo y á la Contaduria.

Cuatro. Del mismo 13 de Marzo, mandando las memorias n° 10, de la mina y hacienda.—Ygual acuerdo que el anterior.

Cinco. Del mismo, 20 de Marzo, haciendo la remision de las marcadas con el n° 11, y se le dió el propio trámite.

Seis. Del mismo, 20 de Marzo, avisando el giro de la libranza marcada con el n° 30, importante doscientos ps. á favor de D. Manuel Parres.—Páguese.

Siete. Del mismo, igual fha dando parte de haber espedido la n° 29, por la cantidad de cien ps.—Tambien se dispuso su pago.

Ocho. Del mismo, 27 de Fbro, avisando el giro de la libranza n° 22 por noventa y seis pesos.—Tambien se dispuso su pago.

Nueve. Del mismo igual fha, dando aviso de haber espedido la n° 21, por cien pesos, y recayó el propio acuerdo.—Dos rúbricas.

Sesion del 27 *de Marzo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia de ayer, y se dio cuenta con un oficio del apoderado del Distrito, con que remite mil ciento noventa y siete pesos dos rs. seis gs. productos del derecho de mineria cobrado en el mes anterior, acordandose el acuse de recibo correspondte, y que se hicieron los debidos asientos.

En seguida el Escribano D. notificó á la junta hallarse duertada su accion en la mina de S. Juan de la Chica, porque su cubrio á tiempo sus compromisos; y se contestó haciendo presente que el motivo de no haber enterádose toda la parte á que estaba obligada por la respectiva escritura, fué porque recibió orn. espresa del Gobo. para la suspension de pagos, aun los de esta naturaleza, y no obstante habérsele dado los informes necesarios sobre la clase de empeño contraido por la junta en el particular; lo que contaba á la compañia de la negociacion por habérselo hecho así presente su representante y presidente de la Junta de Mineria.=Dos rúbricas.

—

Sesion del 29 *de Marzo de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia 27, y se dio cuenta con los oficios siguientes:

Primero. Del encargado de las negociaciones en Tasco, 22 de Fbro. en que manda por tres quintales de sulfato, dos cajas de pólvora, seis varas de tela de alambre y tres ó cuatro libras de pólovra inglesa.=Contéstese que ya se remitió la tela, que polvora se pedirá y estará dispuesta para cuando vuelva el arriero, y que se solicitará de nuevo el sulfato para que se condusca cuando se consiga.

Dos. Del mismo, 26 de Fbro. dando parte de su conferencia con el S. Olaguibel, sobre la infraccion del decreto preventivo de que continuasen los juzgados de mineria ecsistentes al tiempo de su publicacion en el Estado de Mejico.=Resérvese.

Tres. Del mismo, 27 de Fbro, avisando q. siguen en buen estado las labores de la mina y la ley de sus metales, y dando razon del que guardan los trabajos.=Enterado.

Cuatro. Del mismo, 6 de Mro, sobre haber girado la letra nº 23, por cuatrocientos pesos. Paguese y hagame los asientos correspondientes.

Cinco. Del mismo, igual fha, sobre el giro de una letra marcada con el nº 24, y valiosa cuatrocientos pesos. Se dió un acuerdo igual.

Seis. Del mismo y la propia fha. avisando haber espedido por otros cuatrocientos pesos la nº 25. Se puso igual acuerdo.

Siete. Del mismo, 9 de Marzo, pidiendo seis gg. de azogue. A su espediente porque la remision de dho articulo se hizo desde el dia 26.

Ocho. Del mismo, 13 de Mzo. avisando el giro de la letra nº 26, importante cuatrocientos ps. Páguese y hágame los asientos respectivos.

Nueve. Del mismo 20 de Marzo, participando el estado de los trabajos de la mina, y la necesidad q. tiene del azogue. De enterado repitiéndole la noticia de habersele remitido dicho efecto.

Dies. Del mismo y de la propia fha, avisando el giro de la letra nº 27, por cuatrocientos ps., y se acordó su pago y el asiento de las partidas respectivas.

Once. Del mismo y de igual fha, sobre el de otros cuatrocientos pesos en la libranza nº 28, y recayó el propio acuerdo.

Doce. Del mismo, 27 de Marzo, dando parte de los trabajos de la mina, y preguntando si las cinco barras que debe remitir en la semana de pascua se consignan tambien al S. Echeverria. De enterado, y que haga la remesa bajo la propia consignacion sino tuviere motivos fundados para tener algun peligro al tiempo de ser conducidas las espresadas piesas.

Trese. Del mismo y de igual fha, remitiendo bajo el nº 12, las memorias de la mina y de la hacienda.—Recibo y á la Contaduria para los fines consigtes.

Catorce. Del mismo y de la propria fha, participando el giro de la Lbza. nº 31 por trescientos pesos, y se acordó el pago y el asiento de las partidas correspondientes.

Quince. Del mismo y de dha fha, avisando el de la numº 32 por trescientos treinta y cuatro ps. y recayó el propio acuerdo.

Diez y seis. Del mismo y de igual fha, sobre qui no se le remita el azogue por haberlo yá consiguido, y si toma dinero de la casa del S. Zurutura, apesar de estar en moneda de cobre. Que ya se le envió el azogue, y q. acerca de su consulte obre segun le paresca, pues que no se ha tratado de estorcionar á la negociacion, sino solamente de servir al tenedor, pº sin perjuicio de ella.

Diez y siete. Noticia presentada por la Tesoreria de lo recandado de Arrendamientos de las viviendas del colegio en el mes de Febrero. Pasen á la Contaduria para los fines que convengan.

Diez y ocho. Ynforme de la contaduria sobre qº se repita una comunicacion al corresponsal de Pachuca, abonándole dos ps. tres gs. de diferencia. De conformidad.

Diez y nueve. El de S. Luis Potosi, 24 de Mzo. remitiendo una libranza de sesenta y cinco ps. diez centavos por lo colectado en Fbro. Acúsese recibo, cobrece la letra y hagame los debidos asientos.

Veinte. El de Guadalupe y Calvo, 9 de Marzo, sobre que se espense un apoderado para agenciar el cobro de la deuda de Rodriguez en el Parral. Ynforme la mesa respectiva.

Veintiuno. Del Apoderado en el Distrito, 16 de Fbro. ofreciendo la presentacion de sus cuentas pendientes. Que se le inste para q. cuanto antes lo verifique.=Dos rúbricas.

—

Sesion del 30 *de Marzo de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyo y aprobó la acta anterior, y se dio cuenta con una comunicacion del Ministerio de Relaciones, fha de ayer en que repone en el empleo de Director del colegio de mineria al S. Tornel, y se acordó contestarlo de enterado.

Se dió asi mismo cuenta con un oficio del apoderado del Distrito fha 16 de Fbro., en q. repite que no ha llegado el caso de su compromiso por q^{e} no se le ha repuesto en su destino ni se le declara todavia su juvilacion.=Digasele que supuestas todas las consideraciones que la junta se ha dispensado, parece justo que haga un esfuerzo, y abone cantidades proporcionadas á lo que recibe, interin el negocio se deside definitivam^{te}.=Dos rúbricas.

—

Sesion del 5 *de Abril de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta de 30 del pasado, y se dio cuenta con los oficios sig^{tes}.

Primero. Del encargado de las negociaciones de Tasco, fha 3, remitiendo las memorias n° 13, de la Hacienda, la boleta de beneficio n° 3, dos estados mensales y un corte de caja marcados con el propio n^{o}. Recibó, pasándose los estados y memorias á la Contaduria.

Dos. Del mismo é igual fha. contestando á algunas preguntas sobre despilaramiento que se dice hecho en la negociacion. Trascribase al Lic. Barreda.

Tres. Otro sobre el estado de los trabajos, esponienda que la raya de la semana siguiente ascenderá á ochocientos pesos. Enterado.

Cuatro. Otro, avisando la salida de un arriero que condusca los tres quintales de sulfato pendientes y otras seis; seis de fierro platina de Viscaya, y dos cajones de pólvora.=Que se compren los efectos que pide y se tengan al arriero.

Cinco. Otro incluyendo la cuenta general del año de 1846. Recibo y à la Contaduria.

Seis. Otro participando el giro de la letra nº 34, por cuatrocientos pesos. Páguese y hagame los debidos asientos.

Siete. Otro avisando el de la nº 33, por otros cuatrocientos pesos. Recayó el propio acuerdo.

Ocho. Dé la Direccion del Colegio, de 30 de Marzo, trascribiendo la orn. del Gobº. para q. sea repuesta el S. Tornel en la espresada direccion. A su espediente.

Nueve. Del Ministerio de Relaciones de 24 de Fbro. acusando recibo de los estados de ingreso y egreso de la junta en el mes de Enero. A su espediente.

Diez. Del corresponsal de Zimapan fha 1º, remitiendo una libranza de trescientos treinta y tres pesos dos rs. cuatro gs. Recibo, reconóscase la letra y hágame los debidos asientos.

Onse. Del encargado de las negociaciones de Tasco, fha 3, en que solicita se le pague lo q. tiene vencido por los diez pesos semanarios que la junta le tiene asignaos. Ynforme la mesa respectiva.=Dos rúbricas.

—

Sesion del 6 *de Abril de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia anterior, y se dio cta. con una comunicacion del Ministerio de Relaciones, en que con fha 20 de Marzo remite la solicitud de Don Franco Ficher, sobre que se le confiesa la plaza de escribiente que se halla vacante en la oficina, y se acordó reservarla para su caso.

En seguida y en vista de lo consultado por la contaduria, sobre que si en virtud de haberse dispuesto el abono al corresponsal de Hermosilla de cinco ps. seis rs. q. se data por portes de cartas y papel sellado, en su cuenta correspondiente al último tercio de 1845, se ha de hacer estensiva esta gracia á los dos anteriores, y lo mismo en lo de adelante, la junta acordó sin lugar su acuerdo de 18 del pasado, previniendo que la contaduria se arregle á los terminos del contrato celebrado para la calectacion, con los SS. Manning y Mackintosh.=Dos rúbricas.

—

Sesion del dia 7 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia anterior, y se dió cuenta con un oficio del Apoderado del Distrito, remitiendo novecientos ochenta y cinco pesos un rl. colectado del derecho de mineria en el mes de Marzo; y se acordó acusar el recibo, y hacer los asientos correspondientes.

En seguida, la junta dispuso se prevengo á la contaduria y á

las mesas de fomento y admon. de la Sria. que con la posible brevedad dén una noticia de los asientos que tengan pendientes para que con su prevenira puedan dictarse las resoluciones oportunas.

A peticion de D. Manuel de Jesus Piña, meritorio que fué de la contaduria de la junta, sobre que se le espida un certificado para acreditar el modo y tiempo, en que lo sirvió, se dispuso que la Contaduria lo dé de lo que conste.—Dos rúbricas.

—

Sesion del dia 8 *de Abril de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; se leyó y aprobó la acta del dia anterior, y se dió cuenta con un oficio del corresponsal de Guanajuato f ha 5 al que acompaña una Lbza. de tres mil quinientos pesos, por lo que ha recojido del derecho de mineria, en el mes pp°.; y se acordó acusar el recibo, reconocer la letra, y que se hagan los asientos correspond^tes. Dos rúbricas.

—

Sesion del 9 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco: se leyó y aprobó la acta del dia anterior, y se dió cuenta con un informe de la mesa de admon. f ha. 7, en q. consulta si deben nombrarse ó nó el abogado y apoderado espensando que solicita el corresponsal de Guadalupe y Calvo, para seguir agenciando el cobro de la deuda de D. Cristobal Rodriguez, apoderado que fué de la junta en el Parral. Contéstese que suponiendo que ya tiene persona que se encargue del poder, diga en que términos podria ella ser espensada.

En vista del informe de la mesa de fomento en q° opina se abonen á D. José Zamora quinientos veinte ps. correspondientes á cincuenta y dos semanas del año ant^r. á razon de diez pesos semanarios por la gratificacion q° tiene señalada, supuesto que es indudable q. las utilidades del año sufragan aquel gasto; y que se pida al interesado la cuenta de ellas para la debida constancia. De conformidad, añadiéndosele que como la calificacion de las utilidades operdidas del negocio no puede ser debidamente apreciada sino á fin de cada año, se espere al término del de '47; para disponer el abono respectivo.—Dos rúbricas.

—

Sesion del dia 10 *de Abril de* 1847.

Reunidos los SS. Flores, Segura y Bassoco, se leyó y aprobó la acta del dia anterior, y se mandó parar á informe de la con-

taduría un oficio del Ministerio de Relaciones fha. 7, en que lo pide á la Junta sobre una solicitud de D. Andres del Rio p^{a} que se le franqueen seiscientos pesos con el fin de imprimir un suplemento á su obra de mineralogia.

Se dio cuenta con un oficio del la Direccion general de Tabaco y de igual fha. en que avisa no tener ecsistencia de pólvora para surtir á las negociaciones de Tasco; y se acordó que se compre un quintal de lo que tiene el S. Carrera, y otro de lo que se espende en la calle de Cadena ó en alguna otra parte, y q^{e} se remita á Zamora con noticia de sus costos, para que probandola diga cual ofrece mayores ventajas p^{a} contratarla en lo sucesivo.=Dos rúbricas.

—

Sesion del 12 *de Abril de* 1847.

Asistieron los SS. Flores Segura y Bassoco: se leyó y aprobó la acta del dia 10, y se dió cuenta con los oficios siguientes:

Primero. Del encargado de las negociaciones de Tasco, fha. 10, avisando el giro de la libranza n° 38, por cien pesos. Páguese y hágame los debidos asientos.

Dos. Otro, dando parte del de la n° 37, por doscientos pesos. Recayó el propio acuerdo.

Tres. Otro, participando el de la n° 36, por quince pesos. Se dió el mismo acuerdo.

Cuatro. Otro avisando el de la n° 35, por cuatrocientos pesos. Se acordó lo propio.

Cinco. Remitiendo bajo el n° 14, las memorias de la mina y de la hacienda. Acúsese reciblo y á la Contaduria.

Seis. Otro, dando parte de la salida del arriero Agustin Fiz para conducir el sulfato y polvora q. tiene pedida. Continuen solicitandose los efectos de q. se trata.

Siete. Otro avisando que las piesas de cobre vendidas ultimamente, fueron tres capellinas y un alcribiz inútiles. A su espediente.

Ocho. Del Juzg^{o} de Angangueo fha 5, promoviendo el fomento de las minas de su distrito, y remitiendo algunos datos estadrítrios. Ynforme la mesa de fomento.

Nueve. Del corresponsal de Durango fha 2 acompañando una letra de novecientos treinta y trcs pesos ochenta y dos centavos por productos de mineria. Acusese recibo, reconoscase la lbza. y hágame los asientos.

Diez. La contaduria fha 10, haciendo algunos reclamos sobre cuentas al corresponsal de Guadalupe y Calvo. De conformidad.

Once. Del encargado de las negociaciones de Tasco, igual fha. proponiendo allí la venta de cinco barras para evitar los

peligros de conduccion.—Que amplie sus esplicaciones sobre el particular, y que con uno y medio de descuento, venda las cinco barras.—Dos rúbricas.

—

Sesion de 13 *de Abril de* 1847.

Asistieron los SS. Segura y Bassoco, se leyó y aprobó la acta del dia anterior, y se dio cuenta con un informe de la mesa de fomento, sobre que para poderse evacuar el que pide el supremo Gob°. en consecuencia de la solicitud de D. Andres del Rio, contraida á que se le franqueen seiscientos pesos para la impresion del suplemento de su obra, se hace necesario que el mismo Sor. del Rio diga si ha de ser aquella por su cuenta ó por la del colegio, siendo indispensable en ambos casos que el Director manifieste su juicio en el particular, y se acordo segun la opinion de la misma mesa.—Una rúbrica.

—

Sesion del 14 *de Abril de* 1847.

Asistieron los SS. Flores, Segura y Bassoco: se leyó y aprobó la acta del dia anterior, y se mandó pasar á la contaduria para informe, una cuenta q. el Lic. Barreda presentó y ha remitido el Srio. del Tribunal de minas de Tasco, cobrando ciento noventa y dos pesos tres rs. de costas judiciales; y se mandaron comprar veinticuatro almadanetas que debe conducir el arriero D. Ricardo Luna, segun avisa el encargado de las negociaciones en oficio de 6 de este més.—Dos rúbricas.

—

Sesion del 15 *de Abril de* 1847.

Asistieron los SS. Flores, Segura y Bassoco: se leyó y aprobó la acta anterior, y se dio cuenta con un informe de la mesa de fomento, en que consulta se ecsisten á las autoridades superiores del Estado de Michoacan, para que protejan la mineria de dho. Distrito, luego que lo permita la situacion politica del pais, y que se haga lo mismo á la casa de moneda para que no se abuse en la saca de bocados á las pastas: y se acordó de conformidad disponiendo que se dirijan las correspondientes comunicaciones, acusando recibo y dando al juzgado las debidas gracias por la remision que hace, y por lo que ofrece de noticias estadisticas; y esplicándose al S. Mackintosh lo b. hay legalmente sobre bocados, para que bajo la nueva direcciòn de la casa, no se cometan los abusos de que se queja aquel juzgado.—Dos rúbricas-

Sesion del 17 *de Abril de* 1847.

Concurrieron los SS. Flores Segura y Bassoco: y despues de aprobada la acta del dia 15, se leyó una comunicacion del S. Juez D. Agustin Perez Lebrija, en que participa que habiendose nombrado al Ylmo. Sor. Don Juan Manuel Yrissari albacea del S. Dr. D. Juan José Gamboa, está espedito para el cobro de los intereses de la testamentaria, para que en consecuencia se le entreguen ios réditos pertenecientes á los capitales que reconoce el fondo dotal. Se pusó á informe á la Contaduria.

Se presentó á la Junta el S. Ministro de Hacda. manifestando las actuales urgentes atenciones del erario y la necesidad en que se encontraba el Supremo Gob^o^ de remitit en el dia alguna cantidad considerable al E. S. D. Antonio Lopez de Santa Anna, comprometiéndose aun bajo su responsabilidad personal, la mayor cantidad que pudiese franquearle la junta.

Los SS. de ella hicieron presente desde luego á S. E. la buena disposicion en que se encontraba p^a^ ausiliar al Supremo Gobierno; pero que teniendo que hacer los gastos indispensables de la mauntencion del colegio, sueldos de empleados y rayas de la negociacion de Tasco, solo podia franquearle la cantidad de diez mil ps. con tal de que se comprometiese á devolver cuatro mil entre el 27 y 28 del corriente y el rato en 15 del prócsimo Mayo: que dicha cantidad no ecsistia en rs. sino en Libranzas contra la casa de los SS. Manning y Mackintosh, pagaderas en diversos plasos; p^o^ q. podria recibirse el dinero de contado con el descuento de siete vetavos al mes

El Sor. Ministro convino en los términos espresados, añadiendo unicamente que entonces deducirá el descuento correspond^te^ á las mismas letras desde las fhas. de la devolucion á las en que ellas se vensan.=Dos rúbricas.

—

Sesion del 19 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del 17, se leyeron las siguientes comunicaciones de D. José Zamora de fha 17, del corriente en Tasco.

Primera. Remitiendo las memorias n. 15.=Recibo y á la contaduria. En la segunda participa entregado á D. Miguel Quiñones cincuenta pesos para su viaje á Méjico.=De enterado. Avisa en la tercera, que habiéndose entraviado la Libranza n^a^ 21, que giró á favor de D. Agustin Fiz por valor de cien pesos, no se pague á ninguna persona que llegue á presentarla.=De enterado. En las cuatro siguientes avisa haber girado la letra n° 39, valiosa cuatrocientos pesos á favor de D. Manuel Parres, la num^o^ 40, por valor de doscientos sesenta y un pesos tres rs.

seis gs. á favor de D. Leonardo Maldonado; la 41, valiosa cuatrociontos cincuenta pesos á favor de D. Franco. Aramburu, y la n° 42, por valor de doscientos veinte á favor de D. Jorge Raffard.—La Junta acordó que se paguese y se hagan los asientos correspondientes.

Dos. Del Comisionado en Pachuca, fha 14, remitiendo una letra de ochocientos ochenta y ocho ps. cinco rs. dos gs. por productos del mes de Mzo.—Que se reconosca la letra se hagan los asientos y se acuse el recibo.

Tres. Se recibió una comunicacion del E. S. Ministro de Hacienda, fha de ayer avisando haber recibido las letras contra la casa de los SS. Manning y Mackintosh que por valor de diez mil cien pesos se le remitieron.—La junta acordó se parase á la Contaduria y se hicieron los correspondtes asientos.

Se recibió una comunicacion del Ministerio de Relaciones fha 7 del corrte., acompañando la solicitud en que D. Franco Segura pide se le confiesa la plaza de escribiente vacante en la secciou de Contaduria, á fin de que la tenga presente al hacer la propuesta q. espera remita sin demora. Despues de una detenida discusion, los SS. Flores y Bassoco, convinieron en que se contestase al Supremo Gobo. en los terminos siguientes.

Esta Junta de Fomento y Administrativa de Mineria, recibio en 6 del ultimo Fbro. el oficio de su Ministerio que se sirvio dirijirle en 27 del anterior Enero, comunicando que el E. S. Vice Presidente interino habia decretado de conformidad la solicitud en que D. Franco Segura pedia se le considerase como meritorio de la Contaduria, desde el dia en que comenzó á prestar sus servicios en ella, *con tal que por parte de la Junta no se pulse algun inconveniente.*

La junta creyó oportuno reservar el tratar sobre el contenido de este oficio y de su consiguiente respuesta para cuando hubiera de ocuparse en el punto de la provision de las dos resultas que hay en su oficina, cuyo momento es llegado en vista del oficio de V. E. de 7 del presente que recibió el 18, en el cual acompañandonos lo solicitud que el presitado D. Franco Segura hace para que se le confiera una plazo de escribiente que se halla vacante en la seccion de contaduria, se nos ordena tenerle presente al hacer la propuesta que el Gobierno espera remita esta junta sin demora.

La Junta, pues, al encargarse del primer oficio á que tiene el honor de contestar, cree necesario esponer el modo con que D. Franco Segura entró á la seccion de Contaduria, puesto que aquel previene se le considere como meritorio de ella, desde el dia en que comenzó á prestar sus servicios en esta oficina. Siendo su padre el S. D. Vicente Segura presidente de la junta avisó separadamente á los otros dos vocales, que son los mismos

que con él la componen hoy, q° no pudiendo su hijo D. Fran^co continuar los estudios en el colegio, habia resuelto que asistiera á la Contaduria á ejercitar su letra y cuentas: á este aviso creyeron sus compañeros que nada debian oponer y menos entrar al ecsámen de los obstáculos que pudiera haber para admitirle de meritorio.

Si hecha abstraccion de los antecedentes, estimamos el oficio, como una simple orn. ce futuro p^a que desde su fha. se considere como meritorio al Sor. Segura, *si la junta no pulsa inconveniente*, tenemos el sentimiento de vernos previsados á decir que si le encontramos.

Atendiendo á razones de utilidad, cree la junta que nada contribuye mas á que en las oficinas no entren comunmente los mas aptos de los q. pudieran aspirar á los empleos, que la ecsistencia de los meritorios pues admitidos estos sin obstáculo, por la consideracion de que lo que hagan poco ó mucho, es enteram^te gratuito son sin embargo por las relaciones y adquieren con los empleados y gefes preferidos despues en las colocaciones á otros que pudieran presentarse de fuera, y que por mas aptos no se sujetaron á la mesa espectativa de una vacante.

Respecto á disposiciones legales sobre meritorios en oficinas de Hacienda publica, la junta no considera comprendida en ella la suya, que no es ciertamente de Hacienda pública.

Es verdad que uno de los miembros del art° 5° del decreto de 30 de Nobre. de 1843, en que se dio la planta de esta oficina dice: „Todos (los empleados) tendrán las mismas consideraciones y se sujetarán á las leyes que rijan para los de la Hacienda pbca." Pero esta disposicion dada sin duda en contraposicion del artículo 5° del reglamento de la junta, no admitido por el Gob^o, en el cual se decia: „Constará la primera (seccion) del Secretario, &c^a. cuyas plazas serán de nombramiento esclusivo de la junta y conforme á lo que dispone el articulo 14 del tit. 1° de las ordenanzas de mineria." Cuyo articulo habla de la libre remosion de los empleados; pero esta disposicion, repetimos, lejos de probar que la oficina de la junta lo es de Hacda. pbca. prueba lo contrario, pues seria impertinente superfluidad declarar, que los empleados de una oficina de Hacienda pública deben considerarse como empleados de Hacienda pbca.. Las demas perentorias razones que podrian esponerse para probar, q. no lo és, cree la Junta, que son escusadas cuando se dirije á un Ministro que conoce perfectamente la naturaleza del fondo minero; y con lo dicho reputa contestado el oficio de 27 de Enero.

Acerca de la propuesta que espera el Gob^o segun el contenido del de 7 del presente mes, cree es muy proprio de su deber esponer al E. S. Ministro algunas observaciones, para que sean pesadas por su justificacion.

Parece indudable, que el considerable aumento de empleados que á esta oficina dió el citado decreto de 30 de Dbre. de 1843, estribó principalmente en el recargo de trabajo acumulado á ella, por el nuevo fondo de Azogues, que debia manejar, percibiendo y aplicando sus productos á los objetos marcados por las leyes qe al efecto se dieron. Hace ya tiempo q. la percepcion cesó completamente, y de su destino solo ha quedado la dotacion que de dicho fondo se consignó al colegió, y la parte de Aumento en los sueldos de la oficina, cuyas cantidades por disposicion del Gob^no^ se estan supliendo con calidad de reintegro por el fondo dotal, q^e^ no es facil preveer, pero que si puede considerarse remoto el tiempo en que llegue á percibir el veintegro, atendiendo al actual estado de cosas. Esta consideracion unída á la de haber desaparecido el aumento de trabajo que causó la admon. del fondo de azogue, hace creer á la junta que conviene suspender por ahora la provision de las dos plazas que en su oficina hay vacantes, y no duda que V. E. apreciará debidamente el motivo que la impulsa á hacerle esta observacion.

La Junta protesta á V. E. toda su distinguida consideracion y aprecio.

El S. Segura dijo: ya que á mis actuales compañeros les ha parecido conveniente el consignar en la presente acta el oficio que han acordado dirijir al Gobierno sobre la solicitud de D. Fran^co^ Segura, contraida á que se le confiera la plaza de escribiente que se halla vacante en la seccion de Contaduria, me es preciso tomar la palabra para presentar este asunto en su verdadera punto de vista.

Siendo Presidente de la Junta puse en la clase de meritorio á D. Fran^co^Segura, por tener las cualidades que las leyes ecsijen para ser admitido como tal. Lo manifesté asi á mis compañeros; pero no en el simple concepto de q. cursara la letra y se ejercitara en las cuentas un joven de diez y ocho años que sabia escribir, y q. concluido el primero y segundo curso de matematicas en el Colegio de Mineria, de donde me fué preciso sacarlo por parecer de los médicos á causa de una enfermedad cerebral de que se vio atacado. Desde ese entonces, es decir desde Enero de 1846, ha servido de escribiente en la seccion de Contaduria por haber quedado vacante esta plaza, desempeñando sus trabajos á satisfaccion de sus inmediatos gefes, los Sres. Contador D. Miguel Hierro y Don Miguel Gangoiti, de quienes ha obtenido los certificados mas honoríficos, y han visto mis compañeros. En ellos se le ha considerado como meritorio, y en este mismo concepto han estado cuantos individuos forman las distintas secciones de la junta.

Si esta oficina por la admon. del fondo dotal de los mineros,

no puede denominarse de hacienda pública, si lo és incuestionable porq° tambien administra un fondo nacional perteneciente al erario, cual es el de azogues.

Mas presindiendo de esta cuestion el art° 5° de la ley de 30 de Dbre. de 1848, dice testualmente lo siguiente: „Todos (los empleados de la oficina de la Junta) tendrán las mismas consideraciones y *se sugetáran á las leyes que rijan para los de la Hacda. pbca.*" Pues estas mismas leyes, tanto las del tiempo del Gob° español como las demas despues de hecha la Yndependencia, previenen en obsequio del mejor servicio, que en todas las oficinas se reciban meritorios, y las plazas vacantes se provean *precisamente con ellos.* Esa teoría sobre lo perjudicial que son en las oficinas los meritorios, es nueva, contrária á las leyes, y opinion particular del actual apoderado de los acreedores y á la q. la junta constantemente *antes de ahora* se ha opuesto, admitiendo á los que lo han pretendido ser, los q. viendo quejamas se les duba la mas pequeña gratificacion por sus diarios trabajos, han renunciado p° colocarse en otras.

Es otra verdad, que las plazas de escribientes, que hay vacantes, deben proverse pues desde que lo están la junta se ha visto precisada á pagar diariamente á otros para lograr espeditar el despacho.

Es en efecto mi hijo, D. Fran°° Segura: p° este parenteseo no es un inconveniente para su colocacion, pues el mismo Supremo Gob° ha declarado que en las oficinas de la Junta puedan ser empleados dos hermanos carnales.

Como tengo la mas alta confianza en la integridad del E. S. Presidente, no dudo que hara justicia, y atenderá la solicitud del espresado Don Fran°° Segura.

La Junta acordó en vista de las noticias de Tasco sobre haber sentenciado aquel Tribunal en el espediente sobre denuncio de la mina de Trinidad despojando á la junta de su posesion y de la mitad de los frutos que ecsistian en ella, que el S. Bassoco se presente por terceria ante aquel Tral. como apoderado de los acreedores del fondo dotal invertido en Trinidad, y de la cantidad y adeuda dha mina por el descubierto de su factor Arismendi.

Acordó igualmente, que se faculte á dho Sor. Bassoco para que haga todos los gastos, y dirija los ocursos que creyere convenientes hasta lograr se anule dicha sentencia, comprobando debidam^te^ los primeros y participando los segundos.—Dos rúbricas.

Sesion de 22 de Abril de 1847.

Concurrieron los SS. Flores, Segura y Bassoco y despues de aprobada la acta del 17, se dió cuenta con las comunicaciones siguientes:

Primera. Del E. S. Director del Colegio fha de hoy remitiendo las cuentas hasta fin del año pasado. Recibo y á la Contaduria.

Dos. Del comisionado en Guanajuato, remitiendo una Lbza de dos mil setecientos setenta y un pesos seis rs. por resto de los productos del mes pasado.

Tres. Del de Zacatecas, acompañando otra de dos mil cuatrocientos dos pesos siete rs. siete y medio gs. por el mismo mes.

Cuatro. Del de S. Luis, adjuntando otra de mil quinientos setenta y cuatro ps. sesenta y seis centavos correspondientes al mismo periodo.

Cinco. Del de Guadalajara, 16 del corrte., con otra de novecientos noventa y siete ps. cinco rs.=Que se reconoscan las letras, se hagan los asientos, y se acuse el recibo.

Seis. Del de Zacatecas por lo respectivo á Sombrerete, remitiendo libranza de cuarenta y dos pesos un real cuatro y medio gs. por los productos de Fbro.=Que se cobre y á la Contaduria.

Se mandó pagar un recibo á D. Miguel Quiñones por cuenta de derechos, y pasar á la Contad^{a} de preferencia la cuenta que mandó el Lic. S. Cástulo Barreda.

Se dio cuenta con un oficio del Ministerio de Hacienda fha 14 del corriente en que pide una noticia circunstanciada de los distintos gravámenes q. ha sufrido la mineria en diversas épocas. La Junta acordó que se reserbe entretanto q. alguno de los individuos se acerca al Gob^{o} para que aclare dho oficio.= Dos rúbricas.

—

Sesion del 23 de Abril de 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del 22, se leyó un oficio de los SS. Manning y Mackintosh, fha 15, avisandó que estando para llegar el S. Don Jorge Lebrun y debiendo traer consigo las cuentas y noticias de Culiacan que se le piden, lo participa por si la junta prefería aguardar la llegada de dho Sr. á Méjico: y designa las libranzas q. trae dicho Sor. Le Brum á favor de la mineria, asi como el nombramiento que ha heeho p^{a} comisionados en Culiacan, en los SS. D. Guillermo Hooper y D. Luis Bellangi. La junta acordó se le contestase de conformidad, y que se tenga cuidado de la llegada del S. Le Brum.

Se leyeron dos informes de la Contaduria: el 1° fha 15, rela-

tivo á las cuentas del año de 35, de Hermosillo. La junta acordó de conformidad, menos en la parte que consultaba se devolviese la cuenta, pues la falta del papel sellado puede suplirse acompañando los pliegos tarjados y la firma del ensayador puede venir sin devolver la cuenta. Se acordó ademas que se diera conocimiento de no haberse recibido los productos de Hermosillo en el año pasado, y de las observaciones sobre las cuentas del año de 845, al S. Mackintosh y á los SS. Hooper y Bellangi. En el segundo manifiesta la deuda liquida que por réditos de seis años resulta al capital de 1,703 pesos 3 rs. que reconoce el fondo dotal á favor del S. Dr D. Juan José Gamboa, que es de cuatrocientos sesenta y un pesos dos rs. seis gs., los que podian satisfacerse á su albacea el Ylmo. S. D. Juan Manuel Yrissari.—La Junta acordó de conformidad y que se pague con una letra.

Se leyó una instancia del oficial 2° de Sria. D. José M. Canchola fha 21, en que pide licencia pr dos meses para curarse en Querétaro anticipándosele su sueldo. La Junta acordó que acredite legalmente el interesado la enfermedad, y se le concederá la licencia aunque no con la anticipacion de sueldo: opinando en contra el S. Bassoco, que votó no haber lugar.

Otra de D. José de Jesus Carbajal, pidiendo una de las plazas vacantes de escribiente de la Contada y Secretaria de esta Junta. Que se reserbe con las anteriores.—Dos rúbricas.

—

Sesion de 24 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y dispues de aprobada la acta del 23, se leyó un dictamen de la Contaduria sobre la cuenta que presentó últimamente el S. Barreda, manifestando estar de acuerdo en las partidas q. comprende á escepcion de la última q. importa tres pesos pagados á un escribiente; y advirtiendo que en la suma hay una falta de once pesos á favor de dicho Sor. Barreda, de los q. deducidos los tres pesos que se rebajan, la suma queda en doscientos noventa pesos siete rs. La junta acordó de conformidad mandandose pagar.—Dos rúbricas.

—

Sesion del 27 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta anterior se leyeron las siguientes comunicaciones:

Primera. De la Diputacion de mineria de Guanajuato, remitiendo el denuncio que se ha hecho de la mina de la Purisima en la mesa del Toro. Ynforme la mesa de fomento.

Dos. De D. José Zamore fha. 24 remitiendo las memorias num. 16. Recibo y á la Contaduria.

Otro en que avisa que á virtud de la posesion dado al S. Madariaga, la mitad de la raya de la presente semana será de cuenta de la junta, asi como la mitad de los metales q° se saquen. De enterado.

Otro en que avisa que ha nombrado depositario á D. Leonardo Maldonado: que el objeto con que se le pidió el juramento de las ecsistencias, fué con el de que se entreguen á Madariaga la mitad de todas ellas: que habia pedido y conseguido quedase en la mina el interventor; pero que su sueldo no queria Madariaga que fuese por cuenta de la negociacion; y que por último, que aun no habia dado la noticia de las ecsistencias aunque se le habia reclamado de nuevo el dia 23.—Que remita la copia de la sentencia: que se aprueban los nombramientos hechos de interventor y depositario; pero que no insista en caso de no convenir Madariaga, en q. la negociacion pague el interventor; y que diga cual deba ser dicha asignacion: que se le pregunte el resultado de la venta de las barras y el estado de la Hacienda denunciada, para saber si está en el caso de la ordinanza, calculando el gasto de su compostura para evitar dho denuncio.

Se leyó un informe del Lic. D. Castulo Barreda sobre la cuenta de D. Miguel Quiñones y una carta en que pide se le satisfagan doce pesos por derechos de dho informe.—La junta acordó que se paguen.

Se leyó una certificacion del profesor de medicina D. Amador Frazt, en que acredita la necesidad q. tiene D. José M. Canchola de ir á tomar unos baños termales, en S. Bartolo de Querétaro. La junta acordó q. conforme á lo dispuesto el dia 23, se le conceda la licencia. El S. Bassoco salvó su voto, manifestando que se habia opuesto á la licencia del S. Canchola, por que en su concepto debio disfrutar de su juvilacion con el medio sueldo que consultó la junta por cuenta del fondo de mineria.— Dos rúbricas.

—

Sesion del 30 *de Abril de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 27, se leyó una comunicacion de D. Juan Robinson fha 22 de Mzo, remitiendo una letra de ochocientos noventa y seis pesos noventa y tres centavos por productos de mineria en el ensaye de Hermosillo, pertenecientes al último tercio del año p°p° y las cuentas correspond^tes á dho tercio.—Que se reconosca la letra, se hagan los asientos, se pasen las cuentas á la Contaduria y se acuse el recibo.

Se acordo que se comunique á los SS. Hooper y Bellangi, que el S. Le Brum ha puesto en esta oficina las ctas. de Mazatlan de los años de 1845 y 1846: una letra de quinientos treinta y un pesos treinta centavos, liquido y resultò de lo colectado en dicho puerto por el derecho del mes de Enero del presente año, y otra de trescientos treinta y dos pesos un rl. seis gs. correspond^{te} al mismo mes por los derechos de Alamos quedando solo pendientes las cuentas de Cosalá; y por último se recibio la cantidad de setecientos ochenta pesos por los abonos que hizo el S. Peimbert en Mazatlan.

Se leyò un informe de la contaduria sobre la ultima cuenta que presentò el S. Barreda; y aunque en él no convenia en el pago de tres pesos aclarada la partida, la junta acordò que se le pagasen los treinta de su importe.

Un oficio del S. D. Fran^{co} Fagoaga, participando que habia recibido una libranza de trescientos veinticuatro ps. dos rs. nueve gs. por la parte que tocò á la junta en el ult^{o} reparto del año p^{o}p^{o} por los diez mil pesos que le reconoce la Hacienda de Valparaiso, por cuya cantidad podia recibir el correspondiente recibo el lunes y asi se acordò.

Se acordò que se pidiesen al Lic. Barreda el borrador del último ocurso que remitiò á Tasco.

Se acordò por ultimo, á peticion del S. Canchola, q^{e} comiense á disfrutar la licencia que le concedio la junta, desde 1° de Mayo.=Dos rúbricas.

—

Sesion del 3 *de Mayo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobado la acta del 30 del pasado se diò cuenta con las comunicaciones siguientes:

Primero. Del Tribunal minero de Tasco f^{ha} 29 de Abril en que inserta la solicitud de D. Jose Mª Madariaga, para que se le faciliten catorce mil pesos en numerario en calidad de avio á premio de platas sobre la mina Trinidad.=Que no merece contestacion y que se remita al abogado para que tenga presente la parcialidad de aquel juzgado.

Dos. Del E. S. Gobernador del Estado de Michoacan, contestando al que le dirijiò la junta en 19 del mismo, que tan luego como se abran las sesiones ordinarias de aquel congreso, ocurrirá á él para que se sirva decretar el arreglo de los gastos del Juzgado de Angangueo.=Que se inserte al mismo Juzgado.

Tres. De D. José Zamora f^{ha}. 1°, remitiendo las memorias n°. 17, y los estados y corte de caja n°. 4. Recicbo y á la Contaduria.

Cuatro. Del mismo avisando haber girado la libranza n^{a}

44, valiosa doscientos sesenta y un pesos á favor de D. Teodoro Chavez.—Que se pague.

Cinco. Del mismo avisando que las cinco barras de plata que tenia, no pudieron venderse al S. Wiled antes de la sentencia, mucho mas cuando no podia creer fuesen comprendidas en ella como frutos ecsistentes; pero que las conservaba en su poder, resuelto á hacer toda la resistencia posible en caso de que se las quisiesen extraer. Dice que la Hacienda de S. Juan Bautista, tiene tres molinos y dos arrastres con cuatro taonas, y dos patios todo destruido y por consiguiente en estado de denuncio; y que la reposicion de uno de los arrastres, importaria dos mil quinientos pesos cuyo gasto consideraba inutil por no haber metales que beneficiar.—La Junta acordò se le conteste, que debio haber remitido las barras, ò haberlas sacado por lo menos de Tasco; pero que siga defendiéndolas cuanto le sea posible, veultandolas ò entregándolas á persona segura, ò remitiéndolas á la casa del S. Rosas en Cuernavaca. Que en vista de su informe sobre la hacienda de S. Juan Bautista, no cree la junta que Madariaga quiera hacer tan grande gasto; pero que sin embargo, desea saber qué importará lo que en ese caso tendria que comprar de ella el denunciante conforme á ordenanza.

Se acordò el pago de treinta pesos q. importa la última cuenta del S. Barreda.

Se leyò el decreto de 30 del pasado, dado por el Ministerio de Hacienda y publicado por bando el dia interior, en que se aumenta un real por marco de once dineros á la plata, se quitan seis gs. al real de Mineria y se comete la recaudacion de los otros seis á los Comisarios. La Junta acordò que se eleve una representacion motivada al Supremo Gobierno para que se sirva derogar dichas disposiciones, comisionando al efecto al S. Segura y al oficial 1º

El S. Bassoco manifestò, que como apoderado de los acreedores, los iba á citar pª el miércoles con el objeto de hacer valer sus derechos por los medios que tuvieren á bien acordar.—Dos rúbricas.

—

Sesion del 6 de Mayo de 1847.

Concurrieron los SS. Segura, Flores y Bassoco, y despues de aprobada la acta del dia 3, se dio cuenta con las comunicaciones siguientes:

Primera. Del S. Robinson apoderado de Hermosillo, remitiendo la cuenta de su recaudacion perteneciente al ultimo tercio de 1845.—Recibo y á la Contaduria.

Dos. Una del S. Zamora al S. Bassoco fha 4, participándole

que habia sabido que el Acesor del Tribunal de Tasco, le habia consultado en el espediente de terceria, que se le entreguen á Madariaga la mitad de los frutos, previa la fianza que deberia dar á entera satisfaccion de Zamora: agrega que seriá conven^te. tener á prevencion copias certificadas de las escrituras de hipoteca.

Tres. Una comunicacion del Ministerio de Hacda. fha 1°. en que participa haber convenido el Supremo Gob^o. á la solicitud de D. Leonel Davidson, sobre introduccion de azogue por el puerto de Tampico, y de haber dado en consecuencia orn. al Admor. de la Aduana de dho puerto residente en Ozuluama, para que permita dha introduccion. De enterado y que se comunique á los Juzgados de Guanajuato, Zacatecas y S. Luis, q. el precio á q. ofrece dar el azogue es de ciento treinto pesos puesto en el puerto y aumentando los gastos de conduccion.

Se leyò por último la cuenta de lo que se ha recaudado por las viviendas del Colegio en el mes anterior, y se mandò pasar á la Contaduria.=Dos rúbricas.

—

Sesion del 8 *de Mayo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 6, se diò cuenta con oficio de D. Cayetano Buitron, acompañando mil seiscientos veintidos pesos siete rs. nueve gs., liquido que resulto de lo colectado por el derecho de mineria en el mes de Abril; con mas cuarenta y dos pesos cinco rs. seis gs. correspond^tes al abono de D. Manuel Lebrija. Recibo y á la contaduria.

Se acordò en seguida se comunique al Sor. Quiñones haber nombrado la junta al S. Lic. Don José M. Cuevas, para que defienda el asunto de Trinidad en la apelacion ante el Tribunal superior.

Se acordò por ultimo, que se pidan al Lic. Barreda todos los documentos relativos á dho asunto, comisionandose para recojerlos al oficial 1°.

Se leyò y aprobò por la junta, la esposicion al Gobierno á fin de que derogue el decreto de 30 de Abril; y el S. Bassoco, depositò en la Sria. el espediente relativo á la junta que celebraron los acreedores, con motivo de dicho decreto.=Dos rúbricas.

—

Sesion del 10 *de Mayo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta anterior se dio cuenta con las siguientes comunicaciones:

Primero. Del S. Polles apoderado en Guanajuato fha 7' acompañando una letra de cinco mil pesos por el derecho de mes p°p°, y avisando q. probablemente desde el dia 8, cobraria ya solo la mitad del real y de la Comisaria. La junta acordò que se reconosca la letra, se hagan los asientos, se acuse el recibo, y se le diga que ya el S. Mackintosh le ha hecho las prevenciones correspondientes por el correo del Sábado, para que no se altere el cobro del Real de mineria.

Cinco comunicaciones del S. Zamora fha 8, acampañando á la prim[a] la memoria n° 18 de la Hacda. del Chorrillo. Recibo y á la Contaduria.=Segundo adjuntando copia de las memorias 1 y 2 de la mina de Trinidad correspond[tes] á las dos semanas en que corre yá de cuenta de Madariaga.=Recibo y á la Contaduria, y que no debiò ni debe pasar el interventor por los setenta y dos pesos que se carga por la admon. de la mina. Con el tercero avisa haber girado la letra n° 45, valiosa doscientos cincuenta y dos pesos á favor de Don Antonio Castañon. Que se pague. En la cuarta dice que estrechándole para que entregue la mitad de las ecsistencias de metales, consulta si cuando se trate de la ejecucion con que le amagan puede en ahorro de gastos previa la manifestacion juramentada de ellos, ofrecer fianza á la parte de Madariaga, quedando en su poder hasta la definision del negocio. La junta acordò de conformidad.

Otra comunicacion de D. Miguel Quiñones en que manifiesta estar amagados de embargo los metales de Trinidad, por la cuenta de las costas q. se deben al Tribunal de Tasco, q[e] la suma importa mas de mil pesos y que aunque no está conforme en algunas de sus partidas, se le ha ofrecido fianza de devolver el ecseso en caso que lo haya.=Que ya se dá orn. á Zamora para que pague todas las partidas de dha cuenta en que con acuerdo del mismo no haya que reclamar, y que libre su importe contra la junta pero que de las otras en que tiene que hacer reclamos, los haga, como ya debia haber lo verificado y remitido la cuenta á la junta. Digase asi al S. Zamora.=Dos rúbricas.

—

Sesion del 14 *de Mayo de* 1847.

Asistieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 10, se dio cta. con las comunicaciones siguientes:

Primera. Del Ministerio de Relaciones, participando á la junta haber pasado al de Hacienda la esposicion en que pide se deroguen los art. 2° y 4° del decreto de 30 de Abril. A su espediente.

Dos. Del S. Director del Colegio, fha de hoy remitiendo las

cuentas pertenecientes al primer tercio de este año. Recibo y que se le recuerde la remision de los cortes de caja que la junta se vé obligado á pedir conforme al articulo 51 del reglamento del Colegio de 29 de Dic^{e} de 1843.

Tres. Del mismo y de la propia fha, insertando una comunicacion del Ministerio de Relaciones de 4 del corriente en que avisa haber accedido el E. S. Presidente sustitulo á la solicitud del S. Coronel D. Miguel Mosso, mayordomo del Colegio, sobre dejar un sustitulo bajo su responsabilidad siempre que tenga que salir de esta capital. Que se le conteste que la Junta cree de su deber hacerle la refleccion de que no considera á los fiadores del S. Mosso responsables por el sustitulo; pero que podrian adiccionar su fianza ò hacerse lo que á S. E. paresca conveniente pues que el punto de fianzas toca á la Direccion.

Cuatro. De los SS. Stahlkucehs Lehemann remitiendo una letra por valor de mil doscientos veintiocho pesos treinta y cinco centavos, por productos del derecho de mineria en Durango pertenecientes al mes de Abril. Que se reconosca la letra, se hagan los asientos y se acuse rbo.

Cinco. Del Tribunal Minero de Angangueo, acusando recibo de la comunicacion en que se le insertò el oficio dirijido por el E. S. Gobernador de Michoacan sobre arreglo de los gastos de aquel Juzgado; y dando las gracias á la Junta. A su espediente.

Seis. Del. S. Laveaga fha 28, del pasado en Mazatlan, participando haber terminado sus abonos el S. Peimbert, y anotando las fhas en que los ha verificado. Que informe la contaduria y se le den las gracias.

Se acordò tambien que se pido al S. Director todo lo que falta á los inventarios de lo que recibiò en el colegio, especialmente de libros, instrumentos, &^{a}.=Dos rúbricas.

—

Sesion del 17 *de Mayo de* 1847.

Asistieron los SS. Flores, Bassoco y Segura, y despues de aprobada la acta del dia 14, se dio cta. con las comunicaciones siguientes:

Primera. Del comisionado en Guanajuato, fha 14 del corrte. remitiendo una letra valiosa de mil quinientos sesenta y cinco ps. dos rs. cuatro gs. por resto de los productos de mineria del mes de Ab^{l} y los barreages y cuentas del último tercio; y avisando que en aquella capital no se habia publicado el decreto de 30 de Abril, por no haberlo recibido oficialmente aquel Gob^{o}.=Que se reconosca la letra se hagan los asientos y se acuse el recibo.

Dos. Del Comisionado en Guadalajara, de once del que rije, adjutando una letra de mil doscientos cincuenta y cinco pesos veintidos centavos por productos del mes de Abril. Que se reconosca la letra se hagan los asientos debidos y se acuse el recibo.

Tres. Del de Zacatecas fha 10 del corriente, avisando que los derechos correspondientes al p°p° Abril, deducidos veinticinco pesos dados al alumno Ayala, importaron cinco mil setecientos tres pesos tres rs. de que dice mandaba libranza que no vino. La junta acordò que se avise al S. Mackintosh para que se entienda desde hoy el plazo de la letra que no vino.

Cuatro. Ocho comunicaciones del S. Zamora, fha 15, remitiendo con la primera la memoria del Chorrillo n° 19: la copia de la n° 3 de la Trinidad, y las tornaquias correspond^ea. á la pòlvora, azogue, sulfato y fierro remitidos ultimamente. Recibo y á la Contaduria los primeros documentos y á la Tesoreria los segundos. Dos, avisando haber labado en la semana anterior trescientos quintales de metal: que espera las almadanetas p^a continuar á moler en Cantaranos, y que habiendo entregado á Don Miguel Quiñones mil trescientos pesos de costas judiciales ha girado en dos letras dha suma: por ultimo q. para la raya de la presente semana necesita de doscientos pesos. De enterado y que remita la cuenta. Tercero participando que se le habia hecho saber por la Junta del préstamo forsoso impuesto por el congreso del Estado, ciento veinte pesos.—Que habiendo sido despojada la Junta de la mina Trinidad, unica negociacion q. podria sòportar dicho préstamo, lo manifieste asi á la autoridad que le haya notificado, pues que no teniendo bienes en el estado no puede soportar ningun préstamo. Cuarto remitiendo el estado que se le pediò de los gastos y utilidad de la mina Trinidad en el año anterior.—Que informe la mesa. Quinto avisando que habiéndose insistido en sacarle los frutos que tenia en su poder, habia convenido en dar fianza por ellos, y Madariaga convenido en ser bastante su responsabilidad personal; pero beneficiando simultaneamente en el chorrillo los metales de éste, en lo que no encontrò embarazo; poniéndose un interventor q. pagaria Madariaga, en lo que él convino, con tal de q. la motienda fuera á real y cuartilla en lugar de real y medio que ha sido costumbre pagar; á lo q. dijo q^e consultaria á la junta y avisaria dentro de ocho dias: avisa por último, que cree que Madariaga ha hecho esta propuesta, porque Arambura no tiene habilitada la Hacienda, de los articulos necesarios para el beneficio.—Que no debio haber resuelto sobre la idoncidad de la fianza del S. Martinez del Campo, sino avisar á la junta para que ella lo hiciese; pero que supuesto que han convenido en q. queden los frutos en su poder, la Junta no encuentra en

él embarazo; pero si lo hay y muy grande, en q^{e} la Junta tenga que aguardarse para el laborio de sus metales por favorecer á Madariaga, y q. aun para esto le rebaje el precio de la maquila comun; y que crea le hace un favor en pagar un interventor q^{e} cuide de los intereses de Madariaga. Con los tres ultimos avisa haber girado la letra n° 46 valiosa en doscientos diez pesos á favor de D. Jorge Raffard; la 47, por valor de mil pesos á favor de D. Leoncio Blanco, y la 48, valiosa trescientos al de D. Tomas Avila.=Que se páguen.

Cinco. De D. Miguel Quiñones f ha 15, avisando que la tasacion de las costas en el denuncio de Trinidad fue hecha por el escribano con su citacion y presencia; y como el pago de ellos participa de la naturaleza de la sentencia dado en el recurso de apelacion, el Tribunal mandò q^{e} se pagasen en el acto; en cuya virtud de acuerdo con el S. Zamora dispuso se pagase el mismo dia; p^{o} que habia pedida una fianza que le respondiera del ecceso de la cuenta en caso de reclamacion. Ofrece remitir la cuenta que se le pide, y avisa que el S. Castera le habia escrito que se habian pedido por el Tribunal superior los autos originales; pero que por un equívoco se decia en la orn. que fueren los del denuncio de S. Juan y no de Trinidad como debia ser, sobre lo que ya le habia escrito. La junta acordò se le manifieste que habiendo dicho él mismo que tenia que hacer observaciones á dicha cuenta, ùnica razon por lo que no se ha pagado, debia considerarse como cuenta ilíquida, y cuenta ilíquida no trabo ejecucion, que fué lo que se le manifestò anteriormente y lo que no ha hecho: que remita la cuenta esté en el estado que se halle y las repetidas observaciones que ha dicho tenia que hacerle.=Dos rùbricas.

—

Sesion del 21 *de Mayo de* 1847.

Concurrieron los SS. Flores, Bassoco y Seguaa, y despues de aprobada la acta del dia 17, se dio cuenta con las comunicaciones q. siguen:

Primero. Del Ministerio de Relaciones f ha 15 del que rige, manifestando que el S. Profesor D. Andres del Rio ha indicado, que el préstamo de seiscientos pesos que solicita para la impresion de su obra, será satisfecho con el correspondiente n^{o} de ejemplares de ella, que entregará al colegio, quedando él como propietario de la obra y por consig^{te} de los demas ejemplares q. quiera imprimir.=La Junta acordó que se reserve para cuando venga el informe del S. Director del Colegio, á quien se insertará esta comunicacion.

Dos. Del mismo Ministerio, de 18 del corriente acusando

recibo de los cortes de caja q. se le remitieron, correspondientes á los meses de Fbro y Marzo.—A su espediente.

Tres. Del mismo y de la propia fha, acusándolo de los estados correspondientes á Abril, y recayó el mismo acuerdo.

Cuatro. Del de Hacienda, de 19 del que rije trascribiendo la orn. que con fha 4 del actual dirigiò á la Aduana del Distrito, para que continue cobrandose por la Aduana en los mismos terminos en q^{e} se hacia antes del decreto de 30 de Abril, el derecho de mineria.—Que se inserte al S. Buitròn, preguntándo le si ha cobrado alguna cantidad en este mes de lo que pertenece á la junta.

Cinco. Del Gobierno del Distrito, avisando haber espedido la correspond^{te}. licencia de armas que se le pidio para el nuevo guarda del edificio.—A su esped^{te}.

Seis. Del comisionado de S. Luis Potosi, acompañando una letra de mil cuatrocientos cuarenta y un pesos veintidos centavos por los productos de mineria correspond^{tes} al mes p^{o}p^{o}. y preguntando si en la nota que ha de remitir de las barras ensayadas en los cuatro meses del presente año, ha de incluir las q. tomò el S. Gral Santa Anna en Enero, y cuyo derecho no se ha cobrado.—Que se reconosca la letra, se hagan los correspond^{tes} asientos, y se acuse recibo contestándole que en la nota de los derechos cobrados en el primer tercio de este año, no puede constar lo que no se ha cobrado en él pero que por una nota si debe advertir esta circunstancia, con la aclaracion de las personas q. debieron satisfacer dicho derecho, y lo principal q. tenga cuidado de cobrarselos cuando se les paguen sin barras; pues que en el corte de caja del mes pasado de la Tesoreria de Zacatecas, constan siete mil noventa y dos pesos tres rs. medio gr. depositados para el pago de dhas barras, los que no se habian pagado por que no se habian presentado los cobradores. El corte está en el diario del Gobierno de 19 del corriente.

Siete. Del de Hermosillo, de 31 de Marzo, insertando la comunicacion del Gobierno de aquel estado, en que conviene ser propiedad de los mineros el derecho de mineria.—A su espediente.

Se leyò un informe de la Contaduria de 17 de este mes, manifestando estar de acuerdo la cuenta de los SS. Hooper y Bellange: de lo cobrado en Mazatlan por el S. Labeaga á Don Mariano Peimbert, y de estar terminado este asunto.—De conformidad.—Dos rùbricas.

Sesion del 24 de Mayo de 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 21, se dio cuenta con las comunicaciones sig$^{tes.}$:

Primera. Del Admor. de la Aduana de Mejico, fha 22, insertando la orn. del Ministerio de Hacienda en que se le previene entere la cantidad que ha cobrado del real por marco de plata, desde el dia 4 del presente, tomando una mitad para la Hacienda pùblica y los otros seis granos los entregue á la junta, quien en lo sucesivo cobrará dicha mitad en los mismos terminos en que antes cobraba el real por marco. Manifiesta en consecuencia, que tenia en su poder á disposicion de la Junta, cuatrocientos noventa y tres pesos tres rs. un grano.—La Junta acordò se le contestase de enterado, y que podia mandar entregar la espresada suma á su tesorero D. Teodoro Castera; y por ultimo que se inserte dicha comunicacion á D. Cayetano Buitron.

Dos. Del comisionado en Pachuca, remitiendo una letra de mil trescientos veintisiete pesos un r^{l} 6 gs. por el derecho de mineria correspond^{te} al mes de Ab^{l}.—Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Tres. De D. Jose Zamora fha 22 del corrte. remitiendo la memoria n° 20 de la Hacda del Chorrillo: la boleta de beneficio de la misma n° 4, y la copia n° 4 dé la memoria de Trinidad.—Rbo. y á la Contaduria.

Cuatro. Del mismo igual fha remitiendo el recibo que le diò el S. Quiñones por la cantidad de mil trescientos pesos que importaron los derechos del Tribunal.—Que el recibo de que tiene necesidad la Junta original ò en copia, no es el del S. Quiñones, sino el del Tribunal que ecsijia en Tribunal con apremio y apercibimiento de embargo.

Cinco. Del mismo, igual fha, contestando de enterado al que se le dirijiò en 19, sobre el pago de noventa y siete ps. un real q. importaron las costas del espediente de terceria ofreciendo remitir el recibo.—A su espediente.

Sesto y Setimo. Del mismo avisando haber girado la libranza n° 49, valiosa doscientos cincuenta pesos, á favor de D. Rafael Zárate, y la 50, por valor de noventa y siete pesos un real á favor de D. Antonio Castañon.—Que se paguen.

Octavo. De D. Miguel Quiñones fha 22 insertando el auto del Tribunal sobre la remision de los autos originales.—Que se inserte al S. Castera.—Dos rùbricas.

Sesion del 31 *de Mayo de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta del 24, se dio cuenta con las siguientes comunicaciones:

Primera del S. Quñones fha 24, acompañando un certificado dado por el Tribunal de Tasco, á consecuencia del recurso de denegada apelacion de la sentencia sobre denuncio de Trininad. A su esped^ta.

Dos. Del mismo fha 29, remitiendo copia de la regulacion de los derechos cobrados por el Tribunal de Tasco, y avisando que se le habian devuelto treinta y siete pesos dos rs. por las partidas que fueron reformadas. Dice tambien que el acesor cobro derechos como Juez de 1ª instancia y como abogado, cuyo punto le parece digno de reclamarse ante el Tribunal superior. Se acordò se pase á la Contaduria de preferencia, para que pueda remitirse al S. Castera á Toluca.

Tres. Tres de D. José Zamora fha 29, acompañando á la primera la memoria del Chorrillo nº 29, y la copia de la nº 5, de Trinidad. Recibo y á la Contaduria: avisando en la segunda las mejoras hechas en la Hacienda, y que habia sabido el arriero Fiz para llevar las Almadanetas y el sulfato q. tiene pedidos; y por ùltimo que para la raya necesita de doscientos ps. De enterado y que se solicite y remita el sulfato y las almadanetas. Participa en el tercero haber girado bajo el numº 51, una libranza de doscientos pesos á favor de D. Antonio Castañon. Que se pague.

Cuatro. Una comunicabion del S. D. Juan Gomez Navarrete, avisando que ha participado á Don Diego Moreno la que se le dirijiò en 26 del corriente pues aunque antes habia dicho qº tan luego como lo permitieran las circunstancias remitiria una partida de ganado, á esta capital para el pago de los quinientos pesos que adeuda. La junta acordò comisionar al S. Segura, para que manifieste personalmte al S. Navarrete, que solo atendiendo á su mediacion, la junta no ha procedido judicialmente al cobro de una cantidad que debia estar yá en su poder hace mas de un año.—Dos rùbricas.

—

Sesion de 2 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta del dia 31 de Mzo., la Junta acordò que para el caso desgraciado en que las tropas de los Estados Unidos se apoderen de esta capital, ò que se corten las comunicaciones, un individuo de ella con una seccion de la oficina marchen á alguno de los Estados q. se halle libre de la invasion para poder

desde allì oportunamente recaudar las cantidades pertenecientes al derecho de Mineria, y de acuerdo con los individuos que queden en Mejico, proceder á su inversion atendiendose á los pagos q. hayan de hacerse aquì.

De su salida con la debida oportunidad se avisará al Supremo Gobierno.=Dos rùbricas.

—

Sesion de 4 *de Junio de* 1847.

Concurrieron los SS. Flores, Bassoco y Segura; y despues de aprobada la acta del dia 2, se diò cuenta con las comunicaciones siguientes:

Primera. Del apoderado en Guanajuato, remitiendo una letra de cinco mil pesos á buena cuenta de los derechos de mineria del mes de Mayo. Que se reconosca la letra, se hagan los correspond^{tes} asientos y se acuse el recibo.

Dos. Del de Zacatecas fha 28 del pp.^{o} acompañando el duplicado de la letra de cinco mil setecientos tres pesos tres rs. y el recibo del Alumno Ayala, que seguramente no se recibieron por haberse tal vez remitido á otro corresponsal.=Que se reconosca la letra se hagan los debidos asientos y se acuse el recibo.

Tres. Del de Durango de 21 de Mayo acompañando las cuentas y barreages del primer tercio. Recibo y á la Contaduria.

Cuatro. Del Presidente del Tribunal del Fresnillo, fha 26, adjuntando un decreto de la legislatura de Zacatecas, en que se suprimen los Tribunales mineros de aquel Estado.=Recibo y que se le diga al E. S. Gobernador en un oficio, la conveniencia que hay en que permanescan las Diputaciones territoriales para lo econòmico y gubernativo, fundándolo en los mismos terminos del decreto.

Cinco. Del S. Castera, apoderado en Toluca fha 27 del pasado, en que monifiesta que habiendo hablado con el S Villela, presidente del Tribunal Superior, le dijo que debian remitirse los autos de Tasco en el estado en que se encontrasen al recibirse la orn. suprema, y q. por consiguiente debia esperarse el resultado de ella. A su espediente.

Seis. De D. José Zamora fha 25, pidiendo se le remitan con el arriero Fiz, las almadanetas y el sulfato que tiene pedido. Que se soliciten de nuevo las almadanetas, y se compre el Sulfato que haya en el Apartado.

Siete. Una solicitud de D. Vicente Ortiz sobre que se le dé un certificado de las cantidades que recibiò hace seis años D. José M. Arteaga por el capital de mil pesos que reconoce el fondo dotal y la testimentaria de Dª Josefa Medina de Moran. A la Contaduria p^{a} q. manifieste lo que conste de los libros.

Se leyò la cuenta que presentò la Tesoreria de lo recandado por las viviendas del Colegio, en el mes pp.º y se mandò pasar á la Contaduria.

Esta presentò un informe sobre la cuenta de los gastos judiciales de Tasco, remitida por el S. Quiñones, y se acordò que se trascriba al Sor. Castera remitiéndole oportunam.te la cuenta p.a q. consulte al abogado para que se haga ò nò el reclamo correspond.te y digase asi al S. Quiñones.

Por ùltimo se leyò la minuta de la comunicacion acordada en la sesion anterior para el S. Castera sobre que ia junta no se cree autorizada p.a declararle asignacion alguna diaria por el tiempo que permanesca en Toluca desempeñando los poderes de la Junta á mas de su sueldo, costas de viaje, dros. judiciales correspondencia y los designados á los apoderados en las actuaciones que tenga q. hacer.—Dos rùbricas.

—

Sesion del 7 de Junio de 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 4, se dio cta. con las comunicaciones siguientes:

Primera. Del S. Director del Colegio fha 5 contestando haber prevenido se formen los catálogos de la libreria, y de los aumentos que han tenido las cátedras del Colegio, y que los remitirá tan pronto como esten concluidos.—A su espediente.

Dos. Otra del mismo en la propia fhà avisando que en la ultima revolucion han padecido mucho los vidrios del Colegio y de la casa que habita. La Junta comisionò al Tesorero para que ecsamine los vidrios que faltan, y mande formar el presupuesto de su importe y su postura.

Con este motivo el S. Segura manifestò el deplorable estado en que se encuentran los barandales de sus balcones, asi como el maderaje de un cuarto bajo y de la bodega q. esta bajo de la oficina. La Junta acordò q. el Tesorero mande formar el presupuesto de los balcones y del embigado del cuarto bajo y de la bodega.

Tres. Del Comisionado de Guanajuato, fha 4 del corriente, remitiendo una letra de dos mil pesos por cuenta de lo recaudado en el mes de Mayo. Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

Cuatro de D. José Zamora fha 5, remitiendo la memoria del chorrillo nº 22; el estado y el corte de caja de Mayo bajo el nº 5, y la copia de la memoria de la Trinidad nº 6. Rbo. y á la Contaduria.

Cinco del mismo, acompañando la contestacion del Admor.

sobre la asignacion hecha de ciento veinte pesos por prestamo forsozo, bajo el concepto de que esta cantidad se ha impuesto á la Junta por lo que tiene en Tasco, sin contar con la mina de la Trinidad. La Junta acordò que se le diga que el préstamo se ha impuesto á las propiedades prominentes, y se hace calculado tales casi en todas las Prefecturas las que esceden de veinte mil pesos; y que no teniendo la junta dicha suma ni en la mitad de sus ecsistencias, ni en el valor de la Hacienda del Chorrillo, se escuse de dicho pago, ò al menos todo lo posible, ò en último caso procure que se disminuya la cuota.

Seis. De D. Miguel Quiñones fha 5, avisando que el Tribunal de Tasco, se rehuso á mandar los autos mientras no se cumpla en el todo la sentencia entregando la mitad de los frutos á Madariaga y acompañando el oficio respectivo para que se dirija al Tribunal superior. Que se remita al Sor. Castera y se acuse recibo á Quiñones.

Siete. De D. José M. Castera, remitiendo copia de la instruccion dado por el S. Cuevas, q. remitiò por el correo del Viernes á Tasco. Recibo.—Dos rùbricas.

—

Sesion del 10 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 7, se dio cuenta con las comunicaciones siguientes:

Primera. De la recaudacion del Distrito remitiendo cuatrocientos treinta y cuatro pesos un rl. tres gs., resto de lo cobrado, por el derecho de mineria desde el 22 al 31 del pasado, á razon de medio rs. por marco de plata con arreglo á la ley de 30 de Abril. Recibo y á la contaduria p^{a} que haga los debidos asientos.

Dos. Del Apoderado en Zacatecas remitiendo las cuentas del ultimo tercio con fha 31 del pasado. Recibo y á la Contaduria.

Tres. De D. José Mª Castera fha 7, contestando á lo que se le dirijiò en 2 del corrte. sobre asignacion diaria como Apoderado de la Junta en Toluca. Ella acordò que se le abone á mas de los gastos judiciales, los de traslacion y correspondencia, y los q. asigne el arancel á los apoderados por las actuaciones: el alquiler de la casa q. ocupa en Toluca: lo q. satisfaga á la persona que cuidade sus cosas en Mejico: lo que haya aumentado de sus gastos, y los quebrantos que haya tenido por su traslacion.

Cuatro. De D. Miguel Quiñones fha 8, avisando haber recibido las instrucciones del Sor. Cuevas y consultando como po-

drá allanarse la dificultad que para la remision de los autos presenta la renuencia de Madariaga á pagar un interventor en el caso de que se beneficien los metales en comun. La junta acordò se le conteste que todas las dificultades que indicò al S. Bassoco, estan resueltas en las instrucciones que le remitiò el S. Castera en 4 del presente, aunque no contesta si conviene el S. Madariaga en el depòsito; pº que sin embargo se inserta su comunicacion á Toluca, pª consultar al S. Cuevas sobre el pago del interventor y que se diga asi al S. Castera.—Dos rùbricas.

—

Sesion del 14 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco; y despues de aprobada la acta del dia 10, se dio cuenta con las comunicaciones siguientes:

Primera. Del E. S. Gobernador de Guanajuato acusando recibò á la que se le dirijiò en recomendacion de los alumnos Altamira y Matute.—A su espediente.

Dos. Del comisionado en Guadalupe y Calvo, de 25 del pasado, remitiendo una letra de mil setecientos cuarenta y siete pesos cuatro rs. siete y medio granos, por productos del derecho de mineria en el tercio que concluyò en 30 de Abril.—Que se reconosca la letra se hagan los debidos asientos y se acuse el recibo.

Tres. Del mismo en la propia fha remitiendo otra de mil cuatrocientos ochenta y cuatro ps. tres rs. dos granos del derecho en el Parral, tercio cumplido en 31 de Diciembre del año ppº; y se dio el mismo acuerdo, pasándose la cuenta q. acompaña á la Contaduria.

Cuatro. Del de Zimapan de 10 del corrte. acompañando otra de doscientos cincuenta y nueve pesos.—Que se reconosca y pague la letra, se hagan los asientos y se acuse el recibo.

Cinco. Del de Guanajuato, avisando que no habiendose publicado en aquel Estado el decreto de 30 de Abril, por haberse opuesto á ello el S. Gobernador, los mineros no habian querido satisfacer el real de aumento por marco de plata; pero que con fha 2 del corriente el ministerio de Hacienda insistia en el cumplimiento de la ley, por lo que no mandaria sino la mitad del derecho cobrado dejando alli la otra mitad en depòsito mientras se resolvia el asunto. Acompaña en copia la ultima comunicacion del Comisario y su contestacion.—Que se reserve.

Seis. Cinco oficios de D. José Zamora acompañando con el primero la memoria de la Hacienda nº 23, y la copia nº 7 de la de la mina.—Recibo y á la Contaduria. Avisa en el segundo que le hábian ùntado por el pago del prestamo forzoso, de ma-

nera que iba á sufrir el bochorno de un embargo, y que para evitarlo habia puesto en depòsito setenta frascos vacios de azogue: que el Admor. le habia dicho que la cuota la habia designada la junta de calificacion, lo que consideraba no disminuiria la cantidad asignada.—Se acordò que sin embargo haga sus observaciones á dicha junta, y en el caso de no lograr al menos alguna baja, pague los ciento veinte pesos. En el tercero participa las labores de la Hacienda y dice que necesita para toda la estacion de aguas veinte quintales de azogue, y que habia enviado al arriero por el sulfato.—Que el sulfato está yá y que soliciten de nuevo las almadanetas. En los dos ultimos avisa haber girado una letra de cien pesos, bajo el numº 52, á favor de D. Miguel Quiñones: y otra con el 53, valiosa doscientos setenta y cuatro pesos á favor de D. Jorge Raffard.—Que se paguen.—Dos rùbricas.

—

Sesion del 17 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta del dia 14, se diò cuenta con la comunicacion sigte:

Primera. Del Comisionado de Guadalajara fha 11 del corriente, remitiendo una letra valor de ochocientos cuarenta y dos pesos sesenta y nueve centavos, por productos del derecho de mineria en el mes de Mayo.—Que se reconosca la letra, se hagan los debidos asientos y se acuse el recibo.

El oficial de la Contaduria D. Franco Bonilla presentó la otra Certificacion que se le pidió de un facultativo de medicina; y la Junta acordó se le concediese la licencia por dos meses.

Se leyó un dictamen de la Contaduria fha 15 advirtiendo que no habiéndose recibido hasta ahora las cuentas ni los productos de los dos primeros tercios del año anterior, pertenecientes al Parral, debe reclamarse al S. D. Tomás Mackintosh.—Se acordó de conformidad.—Dos rúbricas.

—

Sesion del 22 *de Junio de* 1847.

Concurrieron los SS. Flores Segura y Bassoco, y despues de aprobada la acta del 17, se dio cuenta con las comunicaciones siguientes:

Primera. Del comisionado en Guanajuato fha 11, remitiendo una letra de ochocientos treinta y ocho pesos cuatro rs. dies gs. por resto de lo producido en el mes de Mayo.—Que se reconosca la letra, se hagan los asientos y se acuse el recibo.

Dos. Del de S. Luis Potosi acompañando las ctas. de los

meses de Febrero, Mzo. y Abril de este año, dejando pendiente la de Enero por no haber sido satisfechos los derechos de las barras que tomò el S. Gral. Sta. Anna.—A la Contaduria.

Tres. De D. José Zamora f'ha 19, remitiendo la memoria n° 24 de la Hacienda del Chorrillo y la copia de la num° 8 de Trinidad.—Recibo y á la Contaduria.

Cuatro. Del mismo, igual f'ha, avisando que necesita para la raya doscientos pesos y q. iba á remitir al arriero Fiz por el sulfato y las almadanetas que tiene pedidas.

Cinco. Una carta particular del mismo al S. Segura, remitiendo copia de la lista de exas. que iba á presentar y consultando sobre las barras hechas el 6 de Abril.—Se acordò que se le manifieste la importancia de que vengan cuanto antes los autos aun cuando tenga que presentar las barras; pero que para la entrega de la mitad de ellas, no la verifique sin la fianza correspondiente, pudiendo admitir la del S. Martinez del Campo, ò si se le presente otro que avise á la junta para que califique si es de admitirse.

Se dio cuenta con el decreto de 16 de este mes que derogò el articulo 2° del de 30 de Abril.—Dos rùbricas.

—

Sesion del 25 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues dé aprobada la acta del 22 se diò cuenta con las comunicaciones siguientes:

Primera del Comisionado en Zacatecas á 15 de Junio, remitiendo una letra de diez mil seiscientos sesenta y nueve ps. cinco rs. diez y medio gs. productos del derecho de mineria en el mes de Mayo.

Dos. Del mismo remitiendo otra de cincuenta y dos pesos tres rs. uno y medio gs. por los correspond'tes en Sombrerete del mismo mes.—Que se reconoscan las letras, se cobre la segunda, se hagan los debidos asientos y se acuse el rbo.

Tres. Del de Hermosillo, f'ha en Guaymas á 26 de Mayo, remitiendo otra de mil dos cientos cuarenta y siete pesos sesenta y tres centavos, y ofreciendo remitir los apuntes y cuentas respectivas.

Cuatro. Del de Pachuca, acompañando otra de mil ochenta y ocho pesos un real por los pertenecientes á Mayo.

Cinco. Del de Durango f'ha 14, remitiendo en libranza ochocientos treinta y dos pesos ochenta y un centavos por productos del mismo mes.—Que se reconoscan las letras, se hagan los debidos asientos y se acuse recibo.

Se leyò un informe de la Contaduria sobre la ultima remision de fondos pertenecientes al derecho de mineria en Guanajuato,

por el pròcsimo mes de Mayo, advirtiendo que el apoderado ha sufrido una equivocacion en su contra de cuarenta y nueve pesos siete rs. nueve gs.—La Junta acordò que se le diga asi en contestacion.—Dos rùbricas.

—

Sesion de 28 *de Junio de* 1847.

Concurrieron los SS. Flores, Segura y Bassoco, y despues de aprobada la acta del 25, se dió cuenta con un informe de la Contaduria sobre la comunicacion del S. Juez del Juzg^{o} 5° civil, levantando la suspencion hecha por el S. Tamayo del pago del rédito correspond^{te} al capital de mil pesos al albacea D. Vicente Ortis: la contaduria manifiesta que para igualar á este acreedor con los demas, deben satisfacérsele doscientos ochenta y cinco pesos.—De conformidad.

Se leyeron en seguida las comunicaciones sig^{tes}:

Primera. Del Gobernador del Distrito manifestando que no puede escusarse la junta del pago de los dos mil pesos que le designó conforme á la ley de 17 del corriente.—Ella acordó se manifieste de nuevo, que no teniendo rentas propias pues que no es sino distribuidora de las cantidades asignadas para la manutencion del colegio, pagos de oficina y réditos á los acreedores, la parte que corresponda á estos se les deberá computar á cada una en particular cuando se les computen todas sus rentas; pero que apesar de estas razones, que se suplica á S. E. haga conservar en el espediente de la materia para que consten en todo tiempo despues de las cuantiosas y reiteradas erogaciones q^{e} acaba de hacer en cantidad de mas de sesenta mil pesos, remite sin embargo á la Tesoreria los dos mil pesos que se le piden, y que asi se verifique en el dia, oficiandose á los Ministros de la Tesoreria gral.

Dos. Del E. S. Director del Colegio, pidiendo las orn. convenientes para que al alumno del mismo, D. Miguel Velasquez de Leon, se le acuda en el Fresnillo con su dotacion de 25 pesos.—Que se den las ordenes y se pasen las recomendaciones de costumbre.

Tres. Una instancia del oficial 2° D. José Mª Canchola, pidiendo se le prorogese por dos meses la licencia que tiene para curarse en Querétaro, en atencion á no haberse podido dar los baños de S. Bartolo que ecsije su enfermedad.—La Junta acordó concedércela.

Se leyó por último un informe de la mesa de fomento sobre la ultima comunicacion del E. S. Gobernador de Zacatecas.—La Junta acordó que se le conteste á dho. Señor Gobernador de conformidad con las razones q. se esponen en el informe, sin necesidad de consulta al S. Otero.

Se acordó tambien que se pida á dicho Sor. Lic. los libros y papeles que tenga de la Junta, con motivo del proyecto de Ordenanzas.

El S. Bassoco leyó la esposicion que sigue.—La conducta que esta Junta ha observado de algun tiempo á esta parte, reteniendo cantidad considerable de valores en sus arcas, es indudablemente ilegal y altamente nociva á los intereses de los acreedores, á quienes tengo el honor y el deber de representar en ella.

Que es ilegal, aparece de la simple lectura de los articulos de la ley, conducentes á la cuestion, segun los cuales la inversion que debemos dar á los productos del real de mineria, es la manutencion del Colegio, pago de la oficina, pago de réditos y amortizacion de capitales. ¿Cabe pues duda en que lá ecsistencia que resulte cubiertos los dos primeros objetos, debe destinarse á la satisfaccion del 3°? ¿En que principio ni con que razon podemos cohonestar esas reservas de treinta ó cuarenta mil pesos que hemos tenido despues de cumplidos los mencionados primeros objetos? Es preciso hablar con franqueza, semejante conducta no admite otra esplicacion, y asi lo dije por escrito en otra ocacion, que la de que queremos asegurar p^{a} un tiempo largo, y por efecto de un temor improbable y que la esperiencia ha desmentido, cual es el q. cese en toda la República el real de mineria, la satisfaccion de los gastas del colegio y de los de esta oficina en que van comprendidos nuestros sueldos.

No me remuerde la conciencia de que para garantizar el mio haya yó perjudicado á mis poderdantes; siempre he cuidado de que se haga lo que cumpla á su derecho y á nuestro deber, y bastará que de todos los casos cite el ocurrido cuando se repartió el tercio á la testamentaria de la Sra. Castañiza; pero pasará el tiempo y con él pararemos nosotros sin que quede marca permanente de estos sucesos y de esta mi conducta, y cuando los treinta mil pesos ó sean veintinueve ministrados ó arrancados de este fondo en tiempo del S. Haro, y los treinta mil que acabamos de prestar, hablan tan alto y de un modo tan conveniente en contra del sistema que censuro, fuerza es que redoble mis instancias tanto para costar daños á los acreedores *hipotecarios* al fondo, como para cubrir la responsabilidad y mi honor, lo que me propongo conseguir si se adopta la siguiente proposicion, y con la consignacion que de ella se haga en el libro de actos de esta Junta.

Ahora y en todos los meses sucesivos, reservando lo que para el mes subsecuente se necesite para el colegio y oficina, y cubiertos los mismos gastos en el corriente, se aplicará la ecsistencia al pago de réditos de los acreedores al fondo.

El S. Segura digo: Si la proposicion q. acaba de presentar el S. Bassoco no tuviera otro objeto q. captarse la benevolencia

de sus poderdantes, sellaria mis labios; mas observo que las especies en que la funda, estan calculadas para merecer la estima de estos Señores, consitando su atrocidad en contra del que no votó por ella. Esta es mi posicion; pero es de mi caracter y principios obrar por mis convicciones cumpliendo con mis deberes y nada temer de los injustos enemigos que tal conducta puede concitarme. Veo los intereses de los acreedores al fondo dotal, como los percibieron siempre los individuos q. formaron el estinguido establecimiento de Mineria, y como los han apreciado otros de mis compañeros en esta misma junta, antes de ahora. Tres distintos y aun contrarios intereses en ello se versan: los del Gobierno, los de los mineros los de los acreedores. Querer que los de estos prevalescan contra los otros dos, es ciertamente el medio mas seguro que pueda adaptarse para que desaparesca el fondo para ellos, y sus acciones como tantas otras vayan á dar al crédito público. Si al Gobierno no se le ausilia en estos momentos augustiados en que suele pedir numerario á la junta con calidad de reintegro, sino se promueve el adelanto de la mineria por cuantos arbitrios sean dados, si en fin de toda preferencia no se atiende á la conservacion del Colegio, este fondo no se seguirá recaudando. Por lo mismo debe desecharse la proposicion del S. Bassoco, pues su objeto no es otro que el de que se (*hallen en poder*) disponga no de dinero, por que la junta no lo tiene en sus arcas, sino de las libranzas que ha de cobrar á sus respectivos vencimientos. ¿Y con que fin? con el de que se hallen en poder de los acreedores para que el Gobierno no pueda disponer de ellos. ¿Y en q. momentos se quiere adoptar este arbitrio? En los q. el cañon enemigo va á tronar sobre esta capital en un dia de la presente semana. En mi pecho late un corazon mejicano, y yo creeria hacerme indigno de él nombre con el que me honro si tal consideracion me hiciera votar por la proposicion del S. Bassoco. Se hace preciso advertir que todos los dias se avansan medidas que si se quiere, podran ceder en favor de los acreedores; pero que son en perjuicio de los mineros, como lo es la presente de lo que me ocupo. Cuando se hizo con la casa de los SS. Manning y Mackintosh el contrato que hoy rije, se tuvo presente que los acreedores iban á resentir un atrazo en sus pagos de seis meses; pero este inconveniente se pozpuso al interés de ellos mismos y al de los mineros. Se esperó entonces que las libranzas se cumpliesen para proceder al reparto. Despues se varió este procedimiento, y cuando se reunio un minero considerable de ellas, se dispuso que se les repartiese aunque muchos han repugnado el recibirlas. Ahora ya propone el S. Bassoco que solo se reserve para los gastos precisos del mes presente y el del siguiente, y que todo lo restante se reparta en libranzas. ¿No es de esperarse supuesto este proceder, que mañana se otro dia el mismo

Sor. sostenga que aun esta disposicion perjudica á los acreedores, y que no debe reservarse nada para el mes siguiente? Y si las entradas se suspenden, como es tan factible por los presentes males que aquejan á toda la república se mandará serrar el Seminario de mineria, y no se ha de reservar, como se ha hecho en todos tiempos, el caudal suficiente para su manutencion, solo por el temor de que el Gobierno pueda disponer de este depósito, y la consideracion de que será perdido para los acreedores? Cuando opino por esta reserva absolutamente necesaria para salvar los intereses del Gobierno, mineros y aun de los acreedores, estoy muy lejos de estenderla á los sueldos de los que somos empleados en esta junta. Ese egoismo, esa bajesa, esa preferencia á todas luces injusta tengo el noble orgullo de creerla desmentida por toda mi larga honrosa carrera como empleado público. Estas consideraciones que no he hecho mas q. indicar, me hacen que vote en contra del S. Bassoco.—Dos rúbricas.

—

Sesion del 30 *de Junio de* 1847.

Concurrieron los SS. Flores y Segura, y despues de aprobada la acta del dia 28, se dio cuenta con las comunicaciones siguientes:

Primera. De D. José Zamora, fha 26 remitiendo la memoria numº 25, de la Hacda. del Chorrillo, y la copia de la numº 9, de la mina Trinidad.—Recibo y á la Contaduria.

Dos. Del mismo participando las labores de la Hacienda en la semana anterior: instando por que se le remitan las almadanetas, y avisando que necesita doscientos pesos para la raya. —De enterado y que se vuelvan á solicitar las almadanetas.

Tres. Avisando haber girado una letra de trescientos pesos á favor de D. Franco. de la Fuente.—Que se pague.

Cuatro. Participando que en union del S. Quiñones activará la remision de los autos originales: que se le habia incinuado por parte de Madariaga que podrian quedar las ecsistencias que le corresponden, en su poder, con tal de que le diese fianza, y pagando de su cuenta el interventor; pero labrándosele sus frutos en la Hacienda: á lo que habia contestado, que no tenia embarazo en dar la fianza, y que por lo demas consultaria á la Junta. Pregunta por ultimo si demora la entrega del pliego que se le acompañó hasta la remision de los autos.—La Junta acordó que se le conteste acerlere dicha remision: que no convenga en beneficiar los metales de Madariaga, hasta no haberlo hecho con el total de los de la Junta, y que no entregue el pliego, hasta que se remitan los autos.

La Tesoreria presentó un certificado de entero en la Tesore-

ria general por la contribucion de un millon de la cantidad de dos mil pesos que se le asignaron.

Se leyó una instancia del Ciudadano Vicente Ortiz, albacea de Dª Josefa Medina, contraida á que no se demore el pago de sus caidos para el procsimo prorateo, y que no se le pague en letra por ser un depósito y no poder sufrir la testamentaria el descuento.=Que informe la Contaduria.

En seguida se leyó la siguiente esposicion del S. Bassoco, lo que original se acordó, constase en la acta.

Con fha. 4 de Enero del presente año, manifestó esta Junta al Supremo Gobierno, por medio del Ministerio respectivo, que habiéndose acabado el fondo de azogues y cerado completamente sus entradas, no debia el fondo dotal del cuerpo minero, soportar el aumento de los gastos del Colegio, y de la planta de su oficina prevenido aquel por los decretos de 5 de Octubre y 29 de Diciembre de 1843, que le asignaron veinticuatro mil pesos annales del fondo nacional de azogues, sobre los veinticinco mil que desde tiempos remotos y en virtud de real cédula le habia pasado y pasado el dotal que es caudal propio de los mineros.

El gobierno con fha 27, del propio mes acordó *que en consideracion á que solo se trata* de un suplemento con calidad de seguro reintegro, destinado al interesantísimo objeto de fomentar el colegio, en que vá á invertirse con evidente utilidad de la mineria, esperaba que se observase la disposicion cuya revocacion solicitaba la junta.

Vese que ésta espuso razones de justicia cuales son las de que el fondo peculiar de los mineros destinado por ley á cubrir ciertas cargas no debe aplicarse á solventar otras que son propias de otro que es nacional, y el Gobierno para no acceder á lo que ella pretende, le opone razones de conveniencia.

Fuera de esto no parecerá presuncion en la junta que cuenta entre sus miembros al mismo apoderado de los mineros, el que pretenda se le tenga por fiel interprete de los intereses de estos, los cuales cuando solicitaron del Soberano la creacion de un colegio metálico, dijeron: que habia de ser para enseñar los ramos necesarios á dirijir con acierto una negociacion de minas, y no para q. sea Colegio general de ciencias naturales con tendencias á esenela politecnica, como lo han hecho ó intentado las disposiciones legales del año de 1843.

Pasan yá de once mil pesos los q. en virtud de la del supremo Gobº ya citada, ha prestado el fondo dotal al de azogues, sin que haya trasas de que estas prestaciones tengan un prócsimo termino, por cuya razon yo como apoderado de los acreedores á aquel, un considero en la estrecha obligacion de repetir mi oposicion á esta erogacion tan perjudicial á mis poderdantes, sin que deje de serlo á los mismos mineros; declarando y pro-

testando desde ahora, q. se hace contra mi espresa voluntad, y pidiendo que la Junta inste al supremo Gobierno para que no suministre dicho fondo al Colegio, mas que los veinticinco mil pesos que habia ministrado hasta el año de 1843, y q. se habian tenido por bastante para llenar el objeto con q[e] le instituyeron los mineros.

Las razones de justicia claman imperiosamente por esta reduccion; y para que se vea cuan suceptible de reformas económicas es aquel establecimiento, paso á transcribir aquí la razon de los sueldos y de los cursantes á sus cátedras que se me dió en 19 del ultimo Mayo:

SUELDOS mensuales de los empleados en el Colegio de mineria, reunidos el fondo dotal y el de azogue:

D. Blas Balcarcel como gefe de policia	,,0.025.0	
Como Catedrático de Geografia	,,0.050.0	
Como Prefecto de estudios	,,0.075.0	150.0.
A la vuelta		150.0.
De la vuelta		150.0.00
D. José Salazar:		
Como Vice Prefecto	,,025.0.00	
Como sustitulo de clases	,,041.5.04	066.5.04
D. Antonio Castillo:		
Como Catedrático de mecánica	,,050.0.00	
Como sustitulo de clases	,,041.5.04	
Como id. de mineralogia	,,041.5.04	133.2.08
D. Joaquin Velasquez de Leon:		
Como Catedrático de Zoologia	,,100.0.00	
Como id. de geologia	,,108.2.08	208.2.08
D. Ramon del Moral:		
Como Catedrático de cosmografia	,,108.2.08	
Como id. de delineacion	,,050.0.00	158.2.08
Capellan D. Miguel Velasquez de Leon		,,033.2.08
Catedrático de Mineralogia D. Andres del Rio, por la cátedra de mineralogia y jubilacion		,,191.5.04
De Química D. Manuel Herrero		,,166.5.04
De Física D. Manuel Tejada		,,166.5.04
De Primer curso de matemáticas Don Manuel Castro		,,125.0.00
De Segundo id. id. D. Cástulo Navarro		,,125.0.00
De Dibujo D. Jesus Corral		,,058.2.08
De Yngles, D. Juan Palacios		,,050.0.00
De Aleman, D. Claudio Gen		,,050.0.00
Mayordomo D. Miguel Mosso		,,066.5.04
Portero y Despensero		,,033.2.08
Al frente		,,1.783.2.08

Del frente	„1.783.2.08
Cinco mozos á 16 ps	„080.0.00
Cozinero	„018.0.00
Abono que se hace al Vice Rector	„025.0.00
Catedrático de Gramática D. Sebastian Camacho	„083.1.00
Yden de frances, D. Antonio Balderas	„050.0.00
Yden de Botánica D. Pio Bustamante	„100.0.00
Director del Museo D. Ysidro R. Gondra	„100.0.00
Escribiente del Director	„025.0.00
Yden del Museo	„025.0.00
Médico del Colegio	„025.0.00
Preparador del museo D. Teodoro Castera	„029.1.04
Conserje del museo	„025.0.00
Suma total	„2.368.5.00

Numero de Alumnos que tienen los Cátedras en esta fecha:

Mineralogia	„003.	Mecánica	„000.
Zoologia	„003.	Delineacion	„004.
Quimica	„001.	Geografia	„003.
Física	„002.	Lógica	„009.
Matemáticas 2º Curso	„004.	Ynglés	„007.
Primº id	„008.	Frances	„022.
		Alemán	„000.

CUALQUIERA que sea la resolucion que la Junta se sirva tomar sobre este dictamen, pido que se tenga por mi voto en la materiá y que se inserte integro en el libro de sus actas.—Bassoco.—Dos rúbricas.

[Un Sello.]

—

[Sea.]

SECRETARIA DE LA ADMINISTRACION DEL FONDO DE MINERIA.

Yo Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta Capital, y encargado del Archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852: Certifico que existe y forma parte de los Archivos de esta Oficina un libro en cuadernado que consiste de 142 fojas que estan numeradas en el primer lado, solo del 1 al 142 inclusive consecutivamente, que contienen y se hallan llenas de las actas de las Sesiones de la Junta de Fomento y Administrativa de Minería desde el 2 de Abril de 1846 al 30 de Junio de 1847, titulado „Libro tercero de Actas desde 2 de Abril de 1846 al 30 de Junio de 1847."

Certifico ademas que las presedentes Ciento sesenta y cinco fojas de este libro encuadernado, son una verdadera y exacta copia de dho libro tercero de Actas, en cuya copia á la foja 19va linea 8a se cntrerrenglonó la palabra „ manifieste" en la 85 linea 21, la palabra „ declarando" y en la 95 linea 11 se tacharon las palabras, „ Cortes de Caja."

Certifico por último que en las fojas 1 y 142 del referido libro existe un Sello de la Oficina del papel Sellado.

En testimonio de lo cual doy el presente en la Ciudad de Mexico hoy 20 de Abril de 1859.

MANUEL COUTO,
Srio.
[Rubric.]

—

Yo Vicente Segura, Administrador del Fondo de Mineria: Certifico que Don Manuel Couto, cuyo nombre aparece en el precedente Certificado es Secretario de esta Administracion y encargado del Archivo de la misma Oficina de Mineria á cuyo archivo pertenece el libro referido que se titula „ Libro tercero de actas desde el 2 de Abril de 1846 hasta el 30 de Junio de 1847" que dicho Couto ejerce el Empleo de Sccretario en la fecha de su certificado, que su firma es verdadera y merece toda fé y credito.

En testimonio de lo cual doy el presente bajo mi firma y sello de esta oficina en la Ciudad de Mexico á 20 de Abril de 1859.

[Sello.] VICENTE SEGURA.
[Rubric.]

—

El que suscribe Oficial Mayor del Ministério de Fomento, colonizacion, industria y comércio:

Certifica que D. Vicente Segura y D. Manuel Couto, son Administrador el primero y el segundo Secretario de la misma Administracion del Fondo de Mineria, que se halla bajo la inspeccion de este Ministério. Atexta igualmente que los Archivos de dicha Oficina estan al cargo del Secretario, y por último que las firmas constantes al fin de los dos certificados anteriores, son las que aquellos Señores usan, asi como el Sello puesto en los atestados, es el verdadero de la Oficina en que se hallan empleados.

Para testimónio de lo espuesto doy el presente firmado por mi, y sellado con el sello del Ministerio en la Ciudad de Mexico á veinte de Abril, de mil ochocientos cincuenta y nueve.

[Sello.] P. ALMAZAN.
[Rubric.]

No. 67.

José Miguel Arroyo, Yntendente honorario de Ejercito y Oficial mayor 1° del Ministerio de Relaciones exteriores de la República Mexicana.

Certifico que D. Pascual Almazan es oficial [SELLO.] mayor del Ministerio de Fomento, Colonizacion, Yndustria y Comercio de la propia República, y la anterior firma es la suya que usa en los documentos que autoriza. Mexico, Abril 20, de 1859.

Dros. 4p. [SELLO.] J. MIGUEL ARROYO.
[Rubric.]

—

EXHIBIT BASSOCO NO. 7, O. H.

5846.

SRIA.
DE LA JUNTA DE MINERIA.

N°. 168.

D^n^ Andres Andres Castillero solicita auxilios p^a^ el fomento dcha Mina de Azogue q^e^ ha descubierto en la Mision de Santa Clara en la alta California.

—

MESA DE FOMENTO
AZOGUE.

[Page 1, red ink and 1, black ink.]

E. S.—Habiendo presentado el Sr D^n^ Tomas Ramon del Moral á la Junta unas muestras de Cinabrio de la Mision de Sta Clara en Californias q^e^ remite el S. D^n^ Andres Castillero con las adjuntas copias para ecsitar al Supremo Gobierno á fin de que se sirva auxiliar tan importante empresa, tiene el honor de pasar á V. E. dichas muestras con el objeto de q^e^ se haga el correspondiente ensayo del cinabrio en el lavoratorio de ese Colegio sirviendose participar á la Junta el resultado lo mas pronto posible.

La Junta tiene el honor de reiterar á V. E. con tal motivo las protestas de su consideracion y aprecio.

Dios &c. Abril 21—46.

Exmo Sr Gral D^n^ Jose Mª Tornel Director del Colegio nacional de Mineria.

[Rubric.]

—

[Page 2, red ink and 2, black ink.]

SRIA DE LA JUNTA DE FOMENTO
DE MINERIA.

El Sr. D. Andres Castillero, comisionado por el S. Gobierno el año p°p^do^ p^a^ pasar á Californias á desempeñar objeto del ser-

vicio público me den en cartas escritas en la Mision de Sta Clara en 19 y 22 de Febro. del presente año lo q. sigue:

"A distancia de 5 leguas de esta Mision al oeste he descubierto y denunciado una mina abundantisima de Azogue y á confirmar mi verdad remito á V. S. unas piedras de las q. se han tomado p^{r} ensima de la veta tambien vée un poco de Azogue del que sacamos con la mayor facilidad. El Sr. Director del Colegio de Mineria, D. Ramon del Moral, hace recibia mucho gusto al ver igualadas las piedras de Almaden; segun lo ancho de la veta y abundancia se saca de metales dentro de un año mediante la proteccion del Gob^{no} Sup^{mo} no necesitará la República Azogue de afuera."

"Remito á V. algunas frioleras hechas por los Yndios del Norueste, y producidas de aqui el carbon de piedra es abundantisimo y se encuentra en la costa de la Bahia de San Fran^{co}, de modo q. los buques de vapor hechando sus embarc^{s} menores pueden cargar todo el q. necesiten este desubrim^{to} lo hizo el Sr. Coron^{l} Don Juan B. Alvarado; el cristal de roca es un cerro muy grande."—Es copia [Page 3, red ink] Mejico, Abril 13 de 1846. —J. J. DE HERRERA.

[Rubric.]

—

[Page 4, red ink and 3, black ink.]

Sor. Dir^{r} del Colegio de Min^{a} D. Ramon del Moral.

Mision de Sta Clara Febro. 19 de 846.

Mi muy estimado amigo y Sr. q. aprecio:

V. Sabe oficionado q. soy al ramo de Min^{a} y empeñado en encontran una mina buena de Azogue, he dado aqui con un criadero abundantisimo; al E. S. Presidente remito Junto con esta unas piedras de Sinabrio y un poco de Azogue estamos formando un horno y hemos ensayado dicho metal en un Cañon de Escopeta tapado el oido con barro y metido la boca en agua así nos ha dado el 30 p$^{o}_{o}$.

Yo estimaria á V. q. se tomase el trabajo en obsequio del bien público que se ensayase este metal por dependen de su trabajo esta operacion.

Que V. y toda la fam^{a} se comencen buenos y q. mande cuanto guste á su afectisimo. S. S. Q. B. S. M.—ANDRES CASTILLERO.

[Rubric.]

—

[Page 5, red ink and 4, black ink.]

DIRECCION DEL COLEGIO NACIONAL DE MINERIA.

Recibido el dia 3 del presente Mayo. V. SEGURA. [Rubric.]

El Sor. D. Tomas Ramon del Moral Presidente de la Junta de Fomento del Colegio nacional de Minería en oficio de 24 del pasado me dijo lo que sigue:

Mayo 4—46. Que se inserte al Gob^no manifestando haver se recivido la nota hta. ayer.

„ E. S.—Habiendose enterado la Junta facultativa de los documentos que V. E. le pasó el 21 del presente més relativos á un criadero de Cinabrios descubierto en Californias por el Sr. D. Andres Castillero y á otro de Carbon de piedra de la Bahia de S. Francisco tiene el honor de informár a V. E. que las muestras remitidas por dicho Sr. Castillero estaban ya depositados en el gabinete de Mineralogía unas y otras ensayadas por el profesor de química D. Manuel Herrera. El [Page 6, red ink] ensaye dió una ley de 35½ por 100 tomando para hacerlo una mescla de las diferentes muestras, por que hay algunas tan ricas que son de cinabrio puro. La Junta cree que el Sor. Castillero se há hecho digno por tan importante descubrimiento de la eficaz proteccion del Supremo Gobierno y de la Junta de Fomento de Minería; y esta persuadida de que V. E. interpondra todo su influyo á fin de que este individuo reciba una prueba de que el Supremo Gobierno sabe distinguir y premiar á los Ciudadanos que contribuyen á la prosperidad de la Patria.— Reprodusco á V. E. con este motivo las consideraciones de mi estimacion y respeto."

Y tengo el honor de trastadarlo á V. S. S. como resultado de su oficio relativo.

Dios [Page 7, red ink and 5, black ink] y Libertad. Megico Abril 29, del 846.

JOSE MARIA TORNEL.
[Rubric.]

Sres. Presidente y Vocales de la Junta de Fomento Administractiva del Colegio nacional de Mineria.

—

[Page 8, red ink.]

E. S.—Habiendo presentado á esta Junta el Sor. Profesor D^n Tomas Ramon del Moral unas muestras de cinabrio de la Mision de Santa Clara en la Alta California q^e le remite D^n Andres Castillero asi como las adjuntas copias con el objeto de ecsitar al Supremo Gobierno para q^e se sirba auxiliar tan importante empresa inmediatamente remitió dichas muestras al Ecmo. S^r. Director del Colegio para q^e se tribesen los devidos ensayes á S. E. con oficio de 29 del pasado recivido ayer le dice lo que sigue:

„ El Sor &c h^ta relativo"

La Junta al insertar á V. E. la anterior comunicacion tiene el honor de participarle q^e ha preguntado ya al Sr Castillero la clase de auxilios ó de profeccion de q^e necesita para fomento de su brillante empresa felicitando al Supremo Gobierno por un descubrimiento q^e si encuentran en un principio toda la protec-

cion q^{e} se merece puede cambiar completamente el aspecto de nuestra mineria divertandola de la necesidad en que Sra esta de h^{ta} ahora del azogue estrangero.

La Junta con este motivo aprovecha la oportunidad p^{a} participar á V. E. que como [Page 9, red ink and 6, black ink] el 24 del presente mes termina la gracia q^{e} concedio la ley, de cinco p^{s} de premio á cada quintal de azogue extraido de las minas nacionales han acreditado hasta la fecha los mineros de Guadalcazar hacer explorado 1575 quintales de Diciembre de 844 á fin de Marzo procsimo pasado cuyo resultado ecsede del calculo que hasta ahora se havia hecho de q^{e} la produccion de este mineral era de cien quintales mensuales.

La Junta reitera á V. E. con este motivo las protestas de su distinguida consideracion y aprecio.

Dios &c. Mayo 5—846.

Ecsmo Sr Ministro de Justicia.

No. 573.

Participa el descubrimiento de un criadero de Cinabrio hecho en el Presidio de Sta Clara en la alta California, cuyos ensayes han producido una ley la mas alta y se ha visto y con este motivo comunica el resultado de la cantidad de azogue explorada hasta el mes de Marzo en Guadallahar.

[Rubric.

—

[Page 10, red ink and 7, black ink.]

MINISTERIO DE JUSTICIA E INSTUCCION PUBLICA.

E. S.—Por la nota de V. E. de 5 del actual y copias que se servio acompañan queda enterado con satisfaccion el E. S. Presid^{te} int^{o} de la Repúb^{a} de que en la mision de Santa Clara de la baja California ha descubierto el Sr. D. Andres Castillero un criadero de cinabrio de excelente calidad, segun los ensayos practicados en ese Colegio; y de que se ha preguntado ya por esa Junta al referido Sor Castillero la clase de auxilios que necesita para fomento de su brillante empresa. Asi mismo se ha impuesto S. E. de lo que participa esa Junta con respecto á la cantidad de Azogue extrahido de las Minas de Guadalcazar, cuyo resultado ha escededo al cálculo que se habia formado. Lo que tengo el honor de decir á V. E. en contestacion, reiterandole con éste motivo las protestas de mi consideracion y aprecio.

Dios y Libertad. Mejico Mayo 9 del 846.

E. S. D. Vicente Segura, Presid^{te} de la Junta de fom^{to} de Mineria. } BECERRA. [Rubric.]

[Page 11, red ink and 8, black ink.]

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

No. 575. EXMO. SOR.—Como tubo el honor ella Junta de anunciar á V. E. en 5 del corriente bajo el numero 573, el Señor D. Andres Castillero, le ha dirijido la solicitud q[e] original tiene el gusto de acompañar á V. E. sobre auxilios que necesita para el nuevo descubrimiento de la mina de azogue en la mision de Santa Clara del departamento de Californias.

Acompaña con recomendacion la solicitud del Sr. Dn. Andres Castillero p[a] el fomento de la Mina de Azogue q[e] ha descubierto en la Mision de Sta Clara en la Alta California.

La Junta no duda recomendan a V. E. dicha solicitud por que permodida de la grande importancia de la empresa la considera acreedora á toda la proteccion del Supremo Gobierno cuando por otra parte las circunstancias particulares de aquel departamento y el justo empeño que ha manifestado el Exmo Sor Presidente p[a] conservar la integridad del territorio nacionalidad, [Page 12. red ink] lo pasen digno de la mayor consideracion. Por consiguiente la Junta es de parecer que se le facilite inmediatamente al Señor Castillero la cantidad de cinco mil pesos en los terminos que propone: que la autorise para franquear las retortas y frascos de fierro de su pertenencia y los otros mil pesos que podrán emplearse en la construccion de retortas, cilendros y otros aparatos pequeños de destilacion para dicha mina. [Page 13, red ink and 9, black ink erased.]

[Page 14, red ink.]

Aunque la ley q. autoriza á la Junta para hacer prestamos en fomento de los criaderos de Azogue exige el premio de un 5 p°₀ anual al capital q. se preste es indudable q. la oferta del Sr. Castillero de pagar los 5,000 p[s] con 50 quintales de azogue puestos en Mazatlan á disposicion de la Junta, á razon de 100 p[s] cada uno, y en el termino de 6 meses presta sin duda mucho mayores ventajas al fondo q[e] el indicado interez.

La urgencia q. manifiesta el Sr. Castillero p[a] verificar su marcha á aquel Departam[to] y lo q. ella puede contribuir en las circunstancias presentes p[a] la conservacion del territorio Nacional con en concepto de la Junta mas q. suficiente motivo para dejar á época mas oportuna la formacion de un contrato de comp[a] ó de avio p[a] el fom[to] de dha. mina.

Resta pues manifestar á V. E. que aunq. la posicion dada al Sor Castillero p[r] las autoridades locales de Californias no ha sido conforme á la ordenanza pues q. se le han concedido pertenencias en la estencion de 3000 var[s] q. equivalen á 15 pertenencias conforme al art[o] 2° del tit[o] 8° es preciso considerar [Page 15, red ink and 10, black ink] q. reune en su fabor la calidad de descubridor de un *serro absolutam[te] nuevo en que no habia ninguna mina abierta* á quienes se conceden en el art[o] 1° del tit[o] 6°, *tres pertenencias continuas ó interrumpidas y se hubiesen descubierto*

mas vetas uno en cada una de ellas. Reune tambien la circunstancia de trabajar en compª á las q. se concede q. sin perjuicio del dro. q. por el titulo de descubridor tengan cuando lo sean el q. puedan denunciar cuatro pertenencias nuevas aun cuando esten contiguas y pr un mismo rumbo; pº lo mas digno de considerac" es q. siendo Californias un Departamto fronterizo y amagado con frecuencia por los emigrados de los Estados Unidos del Norte y pr los nuevos Colonos de Oregon parece convenientes conceder á la 1ª mina descubierta en un Departamto tan basto mayor nº de pertenencias lo q. corrobora la razon q. se encuentra al fin del artº 1º del titº 8º que dice: „Considerando q. los limites establecidos en las minas de estos Reinos á q. se han arreglado hta hora los de Nueva España son muy estrechas á

[Page 16, red ink and 11, black ink.]

JUNTA DE FOMENTO Y ADMINISTRATIVA DE FOMENTO.

proporcion de la multitud abundancia y felicidad de las venas metalicas á la sumo bondad del criador ha querido conceder á aquellas regiones ordeno y mando que en las minas que en adelante se descubrieren en veta nueva ó sin vecinos, se observen estas medidas.—2º. Por el hilo, direccion ó rumbo de la veta sea de oro, de plata ó de cualquíera otro metal concedo á todo minero, sin distincion de los descubridores, (que ya vienen asignado su premio) doscientas varas castellanas, que llaman de medir tiradas á nivel."

Por ultimo en el articulo 1º titulo 11 se espresa en estos terminos: „Y por que no siendo suficiente el caudal de uno solo para grandes empresas puede serlo el de todos los compañeros quiero y mando se procuren promuevan, y protejan semejantes compañias por todos los terminos convenientes concediendo mi virey á los qª [Page 17, red ink] las formaren, todas las gracias, auxilios exenciones que fueren de conceder á juicio y discrecion del Real Tribunal de Mineria y sin detrimento del interes del Publico y de mi real erario."

En cuanto a la propiedad que solicita el Señor Castillero, como colono de dos citios de ganado mayor sobre la superficie de su propiedad minera con el objeto de proporcionarse la leña necesaria para el beneficio, la Junta no teniendo los conocimientos necesarios en la materia en qª abunda el supremo gobierno siempre resolvera el E. S. Presidente lo que creyere mas conveniente.

En tal concepto al elevar á V. E. esta Junta la solicitud del Señor Castillero no duda recomendarla muy eficazmente por la importancia vital de la empresa y su increible trascendencia en el bien general y la prosperidad de la Republica.

La Junta tiene el honor con tal motivo de reiterar á V. E. las protestas de su distinguido aprecio y consi- [Page 18, red ink and 12, black ink] deracion.

Dios y libertad. Mejico, 14 de Mayo de 1846.

Exmo. Señor Ministro de Justª
é instruccion publica.

—

[Page 19, red ink and 13, black ink.]

Andres Castillero vecino y minero en el Departamᵗᵒ de la alta California ante V. E. y V. S. S. como mejor proceda digo:

Que habiendo descubierto en la Mision de Sta Clara una mina de azogue de leyes tan altas como seguramᵗᵉ no se han visto no solo en la Republica sino acaso en el mundo entero como lo acreditan los ensayes hechos de orden de la Junta facultativa del Colegio de Minª q. reuniendo de todas las muestros q. traje desde la mejor hasta la infima han dado por resultado un 35 y ½ por 100, mientras q. ha habido muestra de las superiores q. deben producir leyes mucho mayores me veo en el caso para satisfacer mis decios en favor del progreso de mi Patria de aprovechar esclusivamᵗᵉ en favor de los Mejicanos las lisonjeras y muy fundadas esperanzas que proporciona semejante descubrimiento.

En tal virtud he denunciado y tomado posecion no solo de dicha mina denominada Santa Clara sino de una estencion hasta de tres mil varas en todas direcciones de dicho punto, he formado una Compª para su laboreo he construido el tiro y cumplido todas las condiciones q. previene la ordenanza quedando la mina en frutos con la notable circunstancia de q. las muestras q. trage y q. se han ensayado han sido estraidas de la boca.

Muy facil me habria sido haber dado todo el vuelo necesario á la negociacion admitiendo las repetidas y ventajosas ofertas q. se me han hecho por varias casas estrangeras de Californias pero la empresa no necesita de semejantes auxilios q. resultarian en ventaja [Page 20, red ink] estraña cuando toda puede ser nacional y no he dudado por lo mismo ocurrir ante V. E. q. V. S. S. para conseguir los unicos y pequeños recursos de q. necesito, ellos se reducen á una corta anticipacion de cinco mil pesos en dinero atendida la ecsesiva escases de numerario q. hay en aquel Departamᵗᵒ. y á la pronta remision á él de retortas celindros y otros aparatos pequeños de destilacion asi como de frascos de fierros para el embase del azogue.

Yo habria propuesto un contrato de Compañia á la Junta un avio ó cualquiera otro convenio si tubiese tiempo para poder proporcionar los datos y circunstancias q. se requieren para dichos contratos, pero comprometido por el Supremo Gobierno á

de esta Capital dentro de algunos dias me veo en el caso de limitarme á lo que parece no presenta dificultad y abre el campo á nuevos convenios posteriores. Estoy bien persuadido de que la Junta accederá á mi solicitud en todo aquello q. esté en sus facultades y q. elevará al Supremo Gobierno con recomendacion lo q. sea del resorte de este.

Mis proposiciones pues son las siguientes:

1ª. La Junta en el acto de aprovar el convenio me entregará una libranza contra una casa de comercio en Mazatlan valiosa cinco mil pˢ.

2ª. Por mi parte me comprometo á situar en dicho Puerto á los seis meses de haber salido de él cincuenta quintales de azogue á razon de cien pesos cada uno q. remiteré de las primeras extracciones con absoluta preferencia á [Page 21, red ink and 14, black ink] todo otro compromiso.

3ª. La Junta mandará poner á mi disposicion antes de mi salida de la Capital las ocho retortas de fierro q. tiene en su oficina y todos los frascos para azogue q. se hallan en la negociacion de Tasco en estado de uso y por último entregará al Sor. Dⁿ Tomas Ramon del Moral mi apoderado las cantidades que importen las retortas cilindros y otra clase de aparatos pequeños q. se manden hacer para la negociacion hasta la cantidad de mil pesos.

4ª. Las retortas de la Junta las recibiré por el precio de su costo y los frascos q. escoja á 2 pesos cada uno conforme á su avaluo.

5ª. El importe liquido de dichas retortas y frascos y el de las cantidades q. se hayan entregado al Sor. Moral lo devolveré en el termino de un año de este convenio así como el premio de la libranza contra Mazatlan en azogue puesto en dho puerto al precio de cien pesos quintal; pero si la Junta quiere tomar uno ò mas acciones en la mina quedan en parte de la cantidad correspondiente á una ò mas barras.

6ª. Entre tanto q. se arregla la Compª durante un año contado desde la fecha en q. se aprueve este convenio y satisfechos ya los cinco mil pˢ de q. habla la proposicion primª preferiré á la Junta en la venta del azogue puesto en Mazatlan á razon de cien pesos quintal.

7ª. La Junta representará al Supᵐᵒ Gobierno la necesidad de q. aprueve la posecion q. se me ha dado de la mina por las autoridades locales de Californias en los mismos terminos en q. hoy [Page 22, red ink] la tengo.

8ª. Ygualmᵗᵉ le representará las ventajas de q. como colono se me conceda dos sitios de ganado mayor sobre el terreno de mi posecion minera con el objeto de poderme aprovechar de las maderas para mis quemas.

9ª. Al cumplimto de este contrato hipoteco la misma mina y todas sus pertenencias.

El q. suscribe sejeta á la deliveracion de la Junta esta solicitud lo que aceptada se podrá elevar á contrato formal y legalizar del modo mas conveniente.

Dios &ca Mayo 12 de 1846.

ANDRES CASTILLERO.

Es copia. Mejico, Mayo 12 de 1846.

YSIDRO R. GONDRA.
[Rubric.]

—

[Page 23, red ink and 15, black ink.]

MINISTERIO DE JUSTICIA E INSTRUCCION PUBLICA,

Exmo Sor. Habiendo dado cuenta al E. S. Presidente interino con la nota de V. E. de 14 del presente á qe se sirviò acompañar, con recomendacion, la solicitud del Sr. Dn Andres Castillero pa el fomento de la Mina de Azogue qe ha descubierto en la mision de Santa Clara en la Alta California, se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dicho individuo pa principiar la explotacion de dho mineral, y con esta fha. se hace la comunicacion qe corresponde al Minist° de relaciones exteriores y gobernacion pa qe libre las ordenes oportunas por lo respectivo á lo qe contiene la 8ª proposicion relativa á la concesion de terrenos en aquel departamento.

Reitero á V. E. las consideraciones de mi aprecio.

Dios [Page 24, red ink] y Libertad. Mejico, Mayo 20 de 1846.

BECERRA.
[Rubric.]

E. S. Dn Vicente Segura Presidente de la Junta de fomento de Mineria.

—

Secretaria de la Administracion del Fondo de Mineria.

[SEAL.] Yo Manuel Couto, Secretario de la Administracion del Fondo de Mineria de esta Capital y encargado del Archivo de la misma Oficina en virtud del Decreto de 28 de Junio de 1852, Certifico que las precedentes veinticuatro pajinas numeradas por mí del uno al veinticuatro inclusive de papel trasparente son una verdadera y esacta copia ò calco de un Expediente que existe y forma parte de los Archivos de esta Oficina, titulado "Secretaria de la Junta de Mineria"—1846—Numº 168.—D. Andrés Castillero solicita auxilios para el fomento de la mina de Azogue que ha descubierto en la Mision de Santa Clara en la Alta California.—Mesa de Fomento, Azogue."

En testimonio de lo cual doy el presente bajo mi firma á 10 de Marzo de 1859.

MANUEL COUTO,
Srio.
[Rubric.]

[SEAL.]

—

Yo Vicente Segura, Administrador del Fondo de Minería certifico: que D. Manuel Couto cuyo nombre aparece en el precedente Certificado, es Secretario de esta Administracion y encargado del Archivo de la misma Oficina de Mineria, á cuyo archivo pertece el Expediente referido: que dicho Couto ejerce el empleo de Secretario en la fha. de su Certificado, que su firma es verdadera y que merece toda fé y crédito.

En testimonio de lo cual, doy el presente bajo mi firma y sello de esta Oficina en la Ciudad de México á 10 de Marzo de 1859.

[SEAL.] VICENTE SEGURA.
[Rubric.]

—

El que suscribe Oficial Mayor del Ministerio de Fo-
[SEAL.] mento, Colonizacion, Yndustria y Comercio, certifico: que Dn Vicente Segura y Dn Manuel Couto, son, Administrador el primero, y el segundo Secretario de la misma Administracion del Fondo de Mineria que se halla bajo la inspeccion de este Ministerio. Atesta igualmente que los archivos de dicha Oficina, están al cargo del Secretario y por último que las firmas constantes al fin de los dos certificados anteriores, son las que aquellos Señores usan, asi como el sello puesto en los atestados, es el verdadero de la Oficina en que se hallan empleados.

Para testimonio de lo espuesto, doy el presente firmado por mi y sellado con el sello del Ministerio, en la Ciudad de Mexico a once de Marzo de mil ochocientos cincuenta y nueve.

[SEAL.] P. ALMAZAN.
[Rubric.]

—

José Miguel Arroyo intendente honorario de Ejército y oficial mayor 1° del Ministerio de Relaciones esteriores de la Repùblica mexicana.

Certifico: que D. Pascual Almazan es oficial mayor
51 del Ministerio de fomento, colonizacion, industria y
[SEAL.] comercio de la propia República, y la anterior firma es las suya que usa en los documentos que autoriza.

Mexico, Mzo. 12 de 1859.

Dros 4 p$.

J. MIGUEL ARROYO.
[Rubric.]

[SEAL], confining ribbon, with following names attached:

CASTILLO LANZAS, México, Abril 6, '859.
[Rubric.]

(Endorsed, Abril 20 de 1859. JOSE MA. YRISSARI.)
[Rubric.]

MARIANO MIRANDA, Méjico, Abril 6, de 1859.
[Rubric.]

(Endorsed, BLAS BALCARCEL, México Abril 20 de 1859.)
[Rubric.]

JOSE M. DE BASSOCO, Méjico y Abril 12 '859.
[Rubric.]

(Endorsed, ANTO. DEL CASTELLO, Mexico Abril 20 de 1859.)
[Rubric.]

—

No. 107. CONSULATE OF THE U. S. OF AMERICA,

Mexico, March 16th, 1859.

I, the undersigned, Consul of the the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51. Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
U. S. Consul.

EXHIBIT BASSOCO NO. 8, O. H.

[Page 1, red ink.]

MINISTERIO DE JUST^A. E INSTRUCCION PUBLICA. Año de 1846.

La Junta de fom^to de Mineria participa q. D^n Andres Castillero ha descubierto en la mision de Sta Clara de la Alta California un criadero de cinabrio de escelente calidad, y acompaña la representacion de este S^r en q. pide habio p^a la explotacion de dha mina.

—

[Page 2 red ink, and 1 black ink.]

No. 573.

Participa el descubrimiento de un criadero de Cinabrio hecho en el presidio de Sta. Clara de la baja California cuyos ensayes han producido una ley la mas alta q^e se ha visto y con este motivo comunica el resultado de la cantidad de azogue explotada hasta fines de Marzo en Guadalcazar.

Mayo 9 '846.

Enterado con satisfaccion del descubrim^to. y de que se ha preguntado ya al Sr. Castillero la clase de auxilios que necesita.

Enterado ademas de la noticia que da del azogue entrahido por los mineros de Guadalcazar.

Fha.

E. S.—Habiendo presentado á esta Junta el S. Profesor D. Tomas Ramon del Moral unas muestras de Cinabrio de la Mision de Sta. Clara en la baja California que le remite D. Andres Castillero asi como las adjuntas copias con el objeto de ecsitar al Supremo Gobierno para q^e se sirva auxiliar tan importante empresa, inmediatamente remitio dichas muestras al E. S. Director del colegio para que se hiciesen los debidos ensayes S. E. con oficio de 29 del pasado recibido ayer le dice lo q^e sigue:

"El S. D. Tomas Ramon del Moral, Presidente de la Junta facultativa del Colegio nacional de mineria en oficio de 24 del pasado me dice lo q^e sigue:

"E. S.—Habiendose enterado la Junta facultativa de los documentos q^e V. E. le pasò el 21 del presente mes relativos á un criadero de cinabrio descubierto en Califor [Page 3 red ink] nias por el S. D. Andres Castillero y á otro de carbon de piedra de la Bahia de S. Fran^co. tiene el honor de informar á V. E. que las muestras reuntidas por dicho Sr. Castillero estaban ya depositadas en el gabinete de Mineralogia unas, y otras ensayadas por el profesor de quimica D^n Manuel Herrera. El ensaye dio una ley de 35½ p°°. tomando para hacerlo una meseta de las diferentes muestras, porque hay algunas tan ricas que son de cinabrio puro. La Junta cree q^e el S. Castillero se ha hecho digno por tan importante descubrimiento de la eficaz proteccion del Supremo Gobierno y de la Junta de fomento de Mineria; y esta persuadida de que V. E. interpondrá todo su influjo á fin de que este individuo reciba una prueba de que el Supremo Gobierno sabe dis-

tinguir y premiar á los ciudadanos q[e] contribuyen á la prosperidad de la Patria.—Reproduzco á V. E. con este motivo las consideraciones de mi estimacion y respeto.—"Y tengo el honor de trasladarlo á V. S. S. como resultado de su oficio relativo."

La Junta al insertar á V. E. la ante [Page 4 red ink, and 2 black ink] rior comunicacion tiene el honor de participarle que ha preguntado ya al Sr. Castillero la clase de auxilios ò de proteccion de que necesita para fomento de su brillante empresa felicitando al Supremo Gobierno por un descubrimiento que se encuentra en un principio toda la proteccion que se merece puede cambiar completamente el aspecto de nuestra mineria libertandola de la necesidad en que ha estado hasta ahora del azogue estrangero.

La Junta con este motivo aprovecha la oportunidad para participar á V. E. q[e] como el 24 del presente mes termina la gracia que concedio la ley de 5 p[s] de premio á cada qq[l] de azogue extraido de las minas nacionales han acreditado hasta la fecha los mineros de Guadalcazar haber explotado 1575 quintales de Diciembre de 844 á fin de Marzo pp[do] cuyo resultado ecsede del calculo q[e] hasta ahora se habia hecho de q[e] la produccion de este mineral era de cien qq[s] mensuales.

La Junta reitera á V. E. con este motivo las protestas de su distinguida con [Page 5 red ink] sideracion y aprecio.

Dios y Libertad. Mejico Mayo 5 de 1846.

VICENTE SEGURA,
Pres[e]. [Rubric.]

Por ocupacion del Srio

YSIDRO R. GONDRA, [Rubric.]
Oficial 1°.

E. S. Ministro de Justicia.

—

[Page 6 red ink, and 3 black ink.]

SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

El Señor D. Andres Castillero Comisionado por el Sup[mo] Gobierno el año p°p[do] para pasar á Californias á desempeñar objeto del servicio público, me dice en cartas escritas en la Mision de Sta. Clara en 19 y 25 de Febrero del presente año lo q. sigue:

"A distancia de cinco leguas de esta Mision al Oeste he descubierto y denunciado una mina abundantisima de Azogue y á confirmar mi verdad remito á V. S. unas piedras de las q. se han tomado por ensima de la veta, tambien vá un poco de Azogue del sacamos con la mayor facilidad; El Sor. Director del Colegio de Mineria D. Ramon del Moral, hade recibir mucho

gusto al ver igualadas las piedras de Almaden; segun lo ancho de la veta y abundancia se saca de metales dentro de un año mediante la proteccion del Gob^no Sup^mo no necesitara la Republica Azogue de afuera."

Remito á V. algunas frioleras hechas por los Yndios del Norueste y producidas de aquí; el carbon de piedra es abundantisimo y se encuentra en la [Page 7 red ink] Costa de la Bahia de San Francisco, de modo q. los buques de vapor hechando sus embarc^s menores, pueden cargar todo el q. necesiten; este descubrim^to lo hizo el Sr. Coronel D. Juan B. Albarado; el cristal de roca es un cerro muy grande."—Es copia. Mejico Abril 13 de 1846.—J. J. DE HERRERA.

Sor Director del Colegio de Mineria D. Ramon del Moral.—Mision de Sta. Clara Febrero 19, de 846.—Mi estimado amigo y Sor que aprecio.—V. sabe lo aficionado que soy al ramo de Mineria y empenado en encontran una mina buena de Azogue, he dado aquí con un criadero abundantisimo; al E. S. Presidente remito junto con esta unas piedras de cinabrio q. un poco de Azogue estamos formando un horno y hemos ensayado dho. metal en un cañon de Escopeta tapado el oido con barro y metido la boca en agua así nos ha dado el 30 p°/°.—Yo estimaria á V. q. se tomase el trabajo en obsequio del bien público q. se ensayase este metal por depender de su trabajo esta operacion. —Que V. y toda la fam^a se conserven buenos y q. mande cuanto guste á su afmo. S.S., Q.B.S.M.—ANDRES CASTILLERO.

Son [Page 8 red ink, and 4 black ink] Copias. Mejico Mayo 5 de 846.

YSIDRO R. GONDRA. [Rubric.]
Oficial 1°.

—

[Page 9 red ink, and 5 black ink.]

E. S.—Por la nota de V. E. de 5 del actual y copias que se sirviò acompañan queda enterado con satisfaccion el E. S. Presidente interino de la Rep^ca de que en la Mision de Sta Clara de la Baja California ha descubierto el Sr D. Andres Castillero un criadero de Cinabrio de excelente calidad, segun los ensayos practicados en ese colegio, y de que se ha preguntado ya por esa Junta al referido Sr Castillero la clase de auxilios que necesita p^a fomento de su brillante empresas. Asi mismo se ha impuesto S. E. de lo que participa esa Junta con respecto á la cantidad de Azogue extrahido de las minas de Guadalcazar cuyo resultado ha excedido al calculo que se habia formado. Lo que tenga el honor de decir á V. E. en contestacion, reite-

randole con este motivo las protestas de mi consideracion y aprecio.

D[s] & L[d]. Mexico Mayo 9 de 1846.

[Rubric.]

E. S. D. Vic[te] Segura, Presid[te] de la Junta de fom[to] de Mineria.

—

[Page 10 red ink, and 6 black ink.]

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA. Lg[l]. 15 Sq. 140 v[tas].

No. 575. Exmo. Señor.

Acompaña con recomendacion la solicitud del Sr D. Andres Castillero para el fom[to] de la mina de Azogue que ha descubierto en la mision de Santa Clara en la alta California.

Como tubo el honor esta Junta de anunciar á V. E. en 5 del corriente bajo el numero 573, el Señor D. Andres Castillero, le ha dirijido la solicitud que original tiene el gusto de acompañar á V. E. sobre auxilios que necesita para el nuevo descubrimiento de la mina de azogue en la mission de Santa Clara del departamento de Californias.

La Junta no duda recomendár á V. E. dicha solicitud por que persuadida de la grande importancia de la empresa la considera acreedora á toda la proteccion del Supremo Gobierno, cuando por otra parte las circunstancias particulares de aquel departamento y el justo empeño que ha manifestado el Exmo. Señor [Page 11 red ink] Presidente por conservar la integridad del territorio nacional lo hacen digno de la mayor consideracion. Por consiguiente la Junta es de parecer que se le facilite inmediatamente al Señor Castillero la cantidad de cinco mil pesos en los terminos que propone: que la autorize para franquear las retortas y frascos de fierro de su pertinencia y los otros mil pesos que podrán emplearse en la construccion de retortas, cilindros y otros aparatos pequeños de destilacion para dicha Mina.

Aunque la ley que autoriza á la Junta para hacer prestamos en fomento de los criaderos de Azogue exige el premio de un cinco por ciento anual al capital que se preste es indudable que la oferta del Señor Castillero de pagar los cinco mil pesos con cincuenta quintales de azogue puertos en Mazatlan á disposicion de la Junta á razon de cien pesos cáda uno y en el termino de seis meses presta sin duda mucho mayores ventaja al [Page 12 red ink, and 7 black ink] fondo que el indicado interes.

Mayo 20, '46. Se concede en los terminos q. se propone; y por lo tocante al terreno, librese la orn. correspondiente al Ministerio de Relaciones p[a] las providencias de su resorte en el concepto de q. el Gobno Suprmo. esta anuente á la solicitud.

[Rubric.]

La urgencia que manifiesta el Señor Castillero para verificar su marcha á aquel departamento y lo que á ella puede contribuir en las circunstancias presentes para la conservacion del territorio Nacional, es en concepto de la Junta mas que suficiente motivo para dejar á epoca mas oportuna la formacion de un contrato de compañia ò de avio el fomento de dicha mina.

Resta pues manifestar á V. E. que aunque la posicion dada al Señor Castillero por las autoridades locales de Californias no ha sido conforme á la ordenanza, pues que se le han concedido pertenencias en la estencion de tres mil varas que aqui valen á quince pertenencias conforme al articulo 2° del Titulo 8°, es preciso considerar que reune en su favor la calidad de descubridor de un *serro absolutamente nuevo en que no habia ninguna mina abierta* á quienes se conceden en el articulo 1° del titulo 6°, *tres* [Page 13 red ink] *pertenencias continuas ó interrumpidas* y si hubiesen *descubierto mas vetas una en cada una de ellos.* Reune tambien la circunstancia de trabajar en compania á las que se concede que sin perjuicio del derecho que por el titulo de descubridor tengan cuando lo sean el que puedan denunciar cuatro pertenencias nuevas aun cuando esten antiguas y por un mismo rumbo; pero lo mas digno de consideracion es que siendo Californias un departamento fronterizo y amagado con frecuencia por los emigrados de los Estados unidos del Norte y por los nuevos colonos del Oregon parece conveniente conceder a la primera Mina descubierta en un departamento tan basto mayor numero de pertenencias lo que corrobora lá razon que se encuentra al fin del articulo 1° del titulo 8°, que dice: "considerando que los limites establecidos en las minas de estos Reinos á que se han arreglado hasta ahora los de Nueva España son muy estrechas á [Page 14 red ink, and 8 black ink] proporcion de la multitud, abundancia y felicidad de las venas metalicas que la suma bondad del criador ha querido conceder á aquellas regiones, ordeno y mando que las minas que en adelante se descubrieren en veta nueva ò sin vecinos, se observen estas medidas.—2°. Por el hilo direccion, ò rumbo de la veta sea de oro, de plata ò de cualquiera otro metal concedo á todo minero sin distincion de los descubridores, (que ya tienen asignado su premio) doscientas varas castellanas que llaman de medir tiradas á nivel."

Junta de Fomento y Administrativa de Mineria.

Por ultimo en el articulo 1° tiulo 11, se espresa en estos terminos: "y por que no siendo suficiente el caudal de uno solo para grandes empresas puede texto el de todos los compañeros, quiero y mando se procuren, promuevan, y protejan semejantes compañias por todos los terminos convenientes concediendo mi virey á los que las formaren todas las gracias, auxilios exenciones q° fueren de conceder [Page 15, red ink] á juicio y discrecion del

Real Tribunal de Mineria y sin detrimento del interes del publico y de mi real erario."

En cuanto á la propiedad que solicita el Señor Castillero como colono, de dos sitios de ganado mayor sobre la superficie de su propiedad minera con el objeto de proporcionarse la leña necesaria para el beneficio, la Junta, no teniendo los conocimientos necesarios en la materia en que abunda el supremo gobierno siempre resolverá el Exmo. Señor Presidente lo que creyere mas conveniente.

En tal concepto al elevar á V. E. esta Junta la solicitud del Señor Castillero, no duda recomendarla muy eficazmente por la importancia vital el la empresa y su increible trascendencia en el bien general y la prosperidad de la Republica.

La Junta tiene el honor, con tal motivo, de reiterar á V. E. las protestas de su distinguido aprecio y consideracion.

Dios [Page 16 red ink, and 9 black ink] y Libertad. Mejico 14 de Mayo de 1846.

VICENTE SEGURA,
Pres^e. [Rubric.]

Exmo. Señor Ministro de Justicia é instruc^on publica.

—

[Page 17 red ink, and 10 black ink.]

SELLO TERCERO. CUATRO REALES.

—o—

Años de mil ochocientos cuarenta y seis, y mil ochocientos cuarenta y sieta.

Andres Castillero, vecino y minero en el Departamento de la alta California ante V. E. y V. S. S. como mejor proceda digo:

Que habiendo descubierto en la mision de Sta Clara una mina de azogue de leyes tan altas como seguramente no se han visto no solo en la Republica sino acaso en el mundo entero como lo acreditan los ensayes hechos de orden de la Junta facultativa del Colegio de Mineria que reuniendo de todas las muestras que traje desde la mejor hasta la infima han dado por resultado un 85 y ½ por ciento mientras que ha habido muestra de las superiores q^e de ven producir leyes mucho mayores, me vea en el caso para satisfacer mis deseos en favor del progreso de mi Patria de aprovechar esclusivamente en favor de los Mejicanos las lisongeras y muy fundadas esperanzas que proporciona semejante descubrimiento.

En tal virtud he denunciado y tomado posecion no solo de dicha mina denominada [Page 18 red ink] Sta Clara sino de una estencion hasta de tres mil varas en todas direcciones de dicho punto, he formado una compañia para su laborio, he construido el tiro y cumplido todas las condiciones que previene la ordenanza

quedando la mina en frutos con la notable circunstancia de que las muestras que traje y que se han ensayado han sido extraidas de la voca.

Muy facil me habria sido haber dado todo el vuelo necesario á la negociacion, admitiendo las repetidas y ventajosas ofertas que se me han hecho por varias casas estrangeras de Californias; pero la empresa no necesita de semejantes auxilios q^{e} resultarian en ventaja estraña cuando todo puede ser nacional y no he dudado p^{r} lo mismo ocurrir ante V. E. y V. S. S. para conseguir los unicos y pequeños recursos de que necesito, ellos se reducen á una corta anticipacion de cinco mil p^{s} en dinero, atendida la exesiva escases de numerario q^{e} hay en aquel Departamento y la pronta [Page 19 red ink, and 11 black ink] remision á el de retortas cilindros y otros aparatos pequeños de destilacion, asi como de frascos de fierro p^{a} el embase del azogue.

Yo habria propuesto un contrato de compañia á la Junta un avio ò cualquiera otro convenio si tubiese tiempo para poder proporcionar los datos y circunstancias q^{e} se requieren para dichos contratos; pero comprometido por el Supremo Gobierno á marchar de esta Capital dentro de algunos dias, me veo en el caso de limitarme á lo q^{e} parece no presenta dificultad y abre el campo á nuevos convenios posteriores. Estoy bien persuadido de q^{e} la Junta accedera á mi solicitud en todo aquello q^{e} este en sus facultades y q^{e} elevará al Supremo Gobierno con recomendacion lo que sea del resorte de este.

Mis proposiciones pues son las siguientes:

1^{a}. La Junta en el acto de aprobar el convenio me entregara una libranza contra una casa de comercio en Mazatlan valiosa cinco mil pesos.

2^{a}. Por mi parte me comprometo á situar en

[Page 20 red ink.]

SELLO TERCERO. —o— Años de mil ochocientos cuarenta y seis, CUATRO REALES. —o— y mil ochocientos cuarenta y siete.

dicho puerto á las seis meses de haber salido de el cincuenta qq^{s} de azogue á razon de cien p^{s} cada uno, que remitire de las primeras extracciones con absoluta preferencia á todo otro compromiso.

3^{a}. La Junta mandará poner á mi disposicion antes de mi salida de la Capital, las ocho retortas de fierro que tiene en su oficina y todos los frascos para azogue que se hallan en la negociacion de Tasco en estado de uso y por ultimo entregara al S. D. Tomas Ramon del Moral mi apoderado las cantidades q^{e} importen las retortas cilindros y otra clase de aparatos pequeños

que se mande hacer para la negociacion hasta la cantidad de 1000 p^{s}.

4^{a}. Las retortas de la Junta las recibire por el precio de su costo y los frascos q^{e} escoja á dos pesos cada uno conforme á su avaluo.

5^{a}. El importe liquido de dichas retortas y frascos y el de las cantidades que se hayan entregado al S. Moral lo devolveré en el termino de un año do este convenio asi como [Page 21 red ink, and 13 black ink] el premio de la libranza contra Mazatlan en azogue puesto en dicho puerto al precio de cien pesos qq^{l}; pero si la Junta quisiere tomar una ò mas acciones en la mina quedará en parte de la cantidad correspondiente á una ò mas barras.

6^{a}. Entre tanto q^{e} se arregla la compañia, durante un año contado desde el dia en que se aprueve este convenio y satisfechos ya los cinco mil p^{s} de que habla la proposicion primera preferiré á la Junta en la venta del azogue puesto en Mazatlan á razon de 100 p^{s} qq^{l}.

7^{a}. La Junta representara al Supremo Gob^{o} la necesidad de que apruebe la posecion que se me ha dado de la mina por las autoridades locales de Californias en los mismos terminos en que hoy la tengo.

8^{a}. Ygualmente le representará las ventajas de que como colono se me conceda dos sitios de ganado mayor sobre el terreno de mi posesion minera con el objeto de poderme aprovechar de las maderas para mis quemas.

9^{a}. Al cumplimiento de este contrato hipoteco la misma mina y todas sus [Page 22 red ink] pertenencias.

El q^{e} suscribe sujeta á la deliveracion de la Junta esta solicitud la q^{e} aceptada se podrá elevar á contrato formal y legalizar del modo mas conveniente.

Dios y Libertad. Mejico 12 de Mayo de 1846.

ANDRES CASTILLERO.
[Rubric.]

—

[Page 23 red ink, and 13 black ink.]

E. S.—Habiendo dado cuento al E. S. Presid^{te} interino de la Rep^{ca} con la nota de V. E. de 14 del presente á q^{e} se sirvio acompañar con recomendacion la solicitud del Sr. D. Andres Castillero p^{a} el fom^{to} de la mina de Azogue q. ha descubierto en la Mision de Sta Clara en la Alta California; se ha servido V. E. aprobar en todas sus partes el convenio celebrado con dho. individuo p^{a} principiar la explotacion de dho. mineral, y con esta fha se hace la comunicacion q. corresponde al Ministerio de Relaciones exteriores y gobernacion p^{a} q. libre las

ordenes oportunas por la respectivo á lo q. contiene la 8ª proposicion á la concesion de terrenos en aquel departamento.

Reitero á V. E. &ª.

[Rubric.]

Dª &ª. Mayo 20 de 1846.

E. S. D. Victe Segura Presidte de la Junta de Fomento de Mineria.

—

E. S.—Hoy digo al E. S. D. Victe Segura Presidte de la Junta de fomento de Mineria lo q. copio.

"E. S.—Habiendo &ª."

Y tengo el honor de insertarlo á [Page 24 red ink] V. E. á fin de q. por lo respectivo á la solicitud del Sr Castillero á q. ha tenido á bien acceder el E. S. Presidte interino sre. q. como colono se le conceda dos sitios de ganado mayor sre. el terreno de su posesion minera se sirva V. E. libran las ordenes de q. se trata.

Reitero &ª.

Fha. ut supra.

E. S. Ministro de Belaciones exteriores y gobernacion.

—

Jose Miguel Arroyo, Intendente honorario de Ejército y Oficial Mayor primero del Ministerio de Relaciones exteriores de la República Mexicana,

Cértifico: que en los archivos de este Ministerio existe un expediente relativo al descubrimiento de una Mina de Azogue por Dn Andres Castillero en la mision de Santa Clara en la Alta California titulado "Ministerio de Justicia é instruccion "pública.—Año de 1846.—La Junta de Fomento de Mineria "participa que Dn Andres Castillero ha descubierto en la mision "de Santa Clara de la Alta California un criadero de cinabrio "de exelente calidad, y acompaña la representacion de este Sor. "en que pide avio para la esplotacion de dicha mina."—Certifico ademas que las precedentes y anexas veinticuatro paginas numeradas por mi con tinta incarnada del número uno al veinticuatro inclusives de papel transparente, son una verdadera y exacta copia ò calco del referido expediente compuesto de comunicaciones oficiales, copias, minutas ò borradores de oficinas, notas y acuerdos, que es lo que constituye el citado expediente.

No. 9.

En testimonio de lo cual doy el presente bajo mi firmo y sello de oficio de este Ministerio, hoy diez de Enero, de mil ochocientos cincuenta y nueve.

[SEAL.]

J. MIGUEL ARROYO.
[Rubric.]

[SEAL], confining ribbon, with following names attached:

CASTILLO LANZAS, Marzo 29, '859.
[Rubric.]

(Endorsed, JOSE M. DE BASSOCO, Abril 19.)
[Rubric.]

Abril 23 de 1859. A. J. DE VELASCO.
[Rubric.]

MARIANO MIRANDA, Marzo 29 de 1859.
[Rubric.]

(Endorsed, Abril 18 de 1859. J. M. YRISSARI.
[Rubric.]

No. 4. CONSULATE OF THE U. S. OF AMERICA,
MEXICO, January 17th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify, that the said Chief Clerk is the only person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in Foreign Countries; and that the Seal of said Department, attached to said certificate, is the same used in the legalization of all documents by said officer.

Register J, folio 38.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first above written.

[SEAL.]

JOHN BLACK,
U. S. Consul.

EXHIBIT BASSOCO NO. 9, O. H.

SECRETARIA DE ESTADO Y DEL DESPACHO DE GOBERNACION.

[Page 1 red ink.]

Minist° de Relaciones ext^res. gob^no y policia. Año de 1846.

No. 67. Yndiferente.

El Gob^or de Californias sobre descubrim^to de una Mina de azogue en aq. Departam^to y remite una muestra de ese ingrediente concesion de dos sitios al Sr. Castillero inmediato á la Mina de azogues.

—

[Page 2 red ink.]

[SEAL.]

Ab^l 6, '846. B^bo y enterado con satisf^on; y q. respecto á los otros puntos de q. trata la carta informe con detencion lo q. se le ofrezca. [Rubric.]

Exmo. Señor.—Por la adjunta carta del Señor D^n Andres Castillero que atentamente acompaño á V. E. original, se impondrá del buen descubrimiento que de una mina de azogue se ha hecho en este Departamento.

En tal virtud aprovecho la buena oportunidad de remitir á V. E. con el Señor Comisionado de este Gobierno D^n José Mª Covarrubias el azogue q como muestra me mando el Sor. Castillero y se refiere en su carta mencionada.

Con tal moti [Page 3 red ink] vo suplico á V. E. se sirva poner esto en el superior conocimiento del Exmo Sor Presidente, manifestandole el azogue que produce dicha mina, para q. S. E. se imponga y quede complacido de tan feliz descubrimiento.

Repito á V. E. nuevamente las atenciones de mi consideracion y respeto.

Dios y Libertad.

Angeles, Febrero 13 de 1846. PIO PICO. [Rubric.]

Exmo Señor Ministro de Relaciones exteriores.

—

[Page 4, red ink.]

E. S. Governador D^n PIO PICO.

MISION DE SANTA CLARA, D^re 10, 1845.

Estimad^mo am.

Hay remito á V. una muestra de azogue que he sacado á presencia de muchos testigos. La mina está denunciada por mi, y formamos una comp^a entre algunos.

V^ad. y la Junta Departamental estoi seguro que apreciaran un descubrim^to que formara la riquesa del pais, y queremos se nos conceda el terreno baldio cerca de nuestros trabajos p^a cortar leña con la ord^a de posesion.

Es tanto el azogue que hay que ócho arrobas de piedra dieron una arroba de metal, y en mi concepto hay muchas, y se puede hacer grande estraccion.

Estimare á V. tambien mande darme posesion de la Ysla de Santa Cruz que me consediò el Sup^o [Page 5 red ink] Junto q^e á los S^res Carrillos; ya está mercado el ganado q^e se ha de embarcár, y la posesion me la puede dar D^n Anastacio Carrillo.

Que V. se conserve sin novedad y que mande á su af^mo amigo que lo estima aprecia sus ordenes y atento. B. L. M.

ANDRES CASTILLERO.
[Rubric.]

P. L.—Saludeme V. á los amigos Cobarrubias y Valle y el Sr Hijar que p^r que no me contesta tres cartas q. le he remitido, dandole tambien memorias.

[Page 6, red ink.]

Al E. Sr. Governadór del Departamento de Calif^as D^n Pio Pico.

Angeles.

—

[Page 7, red ink.]

E. S.—Queda ent^do con satisfaccion el E. S. S. int^o por la carta del Sr. Castillero q. V. E. me remitiò con oficio de 13 de Febrero ultimo, del importante descubrim^to q. se ha hecho de una mina de azogue en ese Departam^to habiendo visto S. E. la muestra q. de ese ingrediente cita la mencionada carta y V. E. me mandò con D. José Mª Cobarruvias.

Tengo el honor de decirlo á V. E. de Sup^ma orn. en respuesta al oficio ref^do, asi como q. respecto de los otros puntos q. trata la carta del Sr. Castillero, inf^o ese Gob^no con detencion lo q. crea conven^te.

CASTILLO LANZAS.

D. Abril 6, '846.

E. Sr. Gob^or del D. de Californias. P^to de los Angeles.

[Rubric.]

[Page 8, red ink.]

MINISTERIO DE JUSTICIA Y
INSTRUCCION PUBLICA.

Hoy digo al E. S. Dⁿ Vicente Segura Presidente de la Junta de fomento de Mineria lo siguiente:

Mayo 23, '846. Espidarse las orns. á qᵉ se contrae esta comunicⁿ. [Rubric.]

"E. S.—Habiendo dado cuenta al E. S. Presidente intº con la nota de V. E. de 14 del presente á q. se sirvió acompañar, con recomendacion, la solicitud del Sr. Dⁿ Andres Castillero pª el fomento de la Mina de Azogue q. ha descubierto en la mision de Sta Clara en la Alta California, se ha servido S. E. aprobar en todas sus partes el convenio celebrado con dho. individuo para principiar la esplotacion de dho. mineral, y con esta fha. se hace la comunicacion q. corresponde al Ministº de Relacᵉ esteriores y Gobernacⁿ para q. libre las ordenes oportunas pʳ lo respectivo á lo que contiene la 8ª proposicion relativa á la concesion de terrenos en aquel Departamento."

Y tengo el honor de insertarlo á V. E. á fin de q. pʳ lo respectivo á la solicitud del Sr. Castillero á q. ha tenido á bien acceder el E. S. Presidente interino sobre q. como Colono se le conceda dos sitios de ganado mayor sobre el terreno de su posecion minera se sirva V. E. librar las ordenes de que [Page 9 red ink] se trata.

Reitero á V. E. la seguridades de mi consideracion y aprecio. Dios y Libertad. Mexico Mayo 20 de 1846.

BECERRA.
[Rubric.]

E. S. Ministro de relaciones esteriores y gobernacion.

—

[Page 10, red ink.]

E. Sr.—El E. Sr. Ministro de Justª en oficio de 20 del corᵗᵉ me dice lo q. copio.

"E. S.—Hoy digo &."

Y lo transcribo á V. E. para que con arreglo á lo q. prevengan las leyes y disposiciones sobre colonizacion, ponga al Sr. Castillero en posesion de los dos sitios q. se mencionan.

D. Mayo 23, '846.

CASTILLO LANZAS.
[Rubric.]

E. Sr. Gobᵒʳ del D. de Californias.

Jose Y. de Anievas, Oficial mayor de la Secrétaria de Estado y del Despacho de Gobernacion.

Certifico: que en los archivos de esta Sria. ecsiste [SELLO.] un espediente relativo al descubrim^to de una mina de azogue p^r D. Andres Castillero, en la mision de Sta Clara en la Alta California, y cuyo espediente en el òrden correlativo de los negocios que se giraban p^r el Ministerio de Relaciones Gobernacion y Policia en el año de 1846, fue asentado en el índice respectivo, bajo el núm° 67, siendo su carátula la slg^te.:

"Ministerio de Relaciones Esteriores, Gobernacion y Policia. —Año de 1846.—N° 67.—Yndiferente.—El Gobor. de Californias sobre descubrimiento de una mina de azogue en aquel Departamento, y remite una muestra de ese ingrédiente.—Concesion de dos sitios al Sor. Castillero, inmediatos á la mina de azogues."

Certifico ademas que las precedentes y ancesas diez páginas numeradas por mí con tinta encarnada del nùmero 1 al 10, de papel trasparente, son una verdadera y esacta copia ò calco del referido espediente, compuesto de comunicaciones oficiales, cartas, minutas ò borradores de Oficina, notas y acuerdos, que es lo que constituye el citado espediente que he visto y comparado.

En testimonio de lo cual doy el presente bajo mi firma y con el sello de Oficina de esta Secretaría, hoy siete de Enero de mil ochocientos cincuenta y nueve.

J. Y. DE ANIEVAS.
[Rubric.]

—

[SEAL], confining ribbon, with following names attached:

CASTILLO LANZAS, México, Marzo 29, '859.
[Rubric.]
(Endorsed, Abril 23 de 1859. A. J. DE VELASCO.)
[Rubric.]

MARIANO MIRANDA, Marzo 29 de 1859.
[Rubric.]

JOSE M. DE BASSOCO, Abril 14 de 1859.
[Rubric.]
(Endorsed, Abril 19 de 1859. JOSE MA. YRISSARI.)
[Rubric.]

—

José Miguel Arroyo, Yntendente honorario de Ejercito y Oficial mayor 1° del Ministerio de relaciones esteriores de la República Mexicana.

Certifico: que Dⁿ J. Y. de Anievas es Oficial
48 mayor del Ministerio de Gobernacion de la propia
[SELLO.] República y lo anterior firma es la suya que usa en los documentos q. autoriza.

México Marzo 11 de 1859.

Dros. 4 pˢ. J. MIGUEL ARROYO.
[Rubric.]

[SELLO.] —

No. 100. CONSULATE OF THE U. S. OF AMERICA,

MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 50. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and
Fees, $2. year first before written.

[SEAL.] JOHN BLACK,
U. S. Consul.

EXHIBIT BASSOCO, NO. 10, O. H.

[Page 1, red ink.]

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

Abl. 23, '846. Pase de preferencia á la Junta facultativa del Colegio.

TOBNEL. (Rubric.)

E. S.—Habiendo presentado el S. D. Tomas Ramon del Moral á la Junta unas muestras de cinabrio de la mision de Sta Clara en Californias que remite el S. Dn Andres Castillero con las adjuntas copias para ecsitar al Supremo Gobierno á fin de que se sirva auxiliar tan importante empresa, tiene el honor de pasar á V. E. dichas muestras con el objeto de que se haga el correspondiente ensayo del cinabrio en ei lavoratorio de ese Colegio sirviendose participar á la Junta el resultado lo mas pronto posible.

La Junta tiene el honor de reiterar á V. E. con tal motivo las protestas de su consideracion y aprecio.

Dios (Page 2 red ink) y Libertad. Mejico Abril 21 de 1846.

VICENTE SEGURA,
Pre. [Rubric.]

Por ocupacion del Srio.
YSIDRO R. GONDRA,
Oficial 1°.

E. S. Gral D. José Ma Tornel, Dir del Colegio nacional de Mineria.

—

[Page 3, red ink.]

SECRETARIA DE LA JUNTA DE FOMENTO ADMINISTRATIVA DE MINERIA.

El Sor D. Andres Castillero, comisionado por el Supremo Gobierno el año p° p^do para pasar á Californias á desempeñar objeto del servicio público, me dice en cartas escritas en la Mision de Sta. Clara, en 19 y 22 de Febrero del presente año lo que sigue:

"A distancia de 5 leguas de esta Mision al Oeste, he descubierto y denunciado una mina abundantisima de Azogue, y á confirmar mi verdad remito á V. S. unas piedras de las q. se han tomado por encima de la veta, tambien va un poco de Azogue del q. sacamos con la mayor facilidad; el Sor Director del Colegio de Mineria D. Ramon del Moral, hade recibir mucho gusto al ver igualadas las piedras de Almaden; segun lo ancho de la veta y abundancia se saca de metales dentro de un año mediante la proteccion del Gobierno Supremo no necesitará la Republica Azogue de afuera."

" Remito á V. algunas frioleras hechas por los Yndios del Norueste y producidas de aqui; el carbon de piedra es [Page 4, red ink] abundantisimo y se encuentra en la costa de la Bahia de San Franco de modo q. los buques de vapor hechando sus embarcs menores, pueden cargar todo el q. necesiten; este descubrimto lo hizo el Sor Coronel D. Juan B. Albarado; el cristal de roca es un cerro muy grande."—Es copia. Mejico Abril 13 de 846.—

J. J. DE HERRERA.

Es copia.—Mejico Abril 21 de 846.

YSIDRO R. GONDRA,
Oficial 1°. [Rubric.]

—

[Page 5, red ink.]

SECRETARIA DE LA JUNTA DE FOMENTO
ADMINISTRATIVA DE MINERIA.

Sor. Director del Colegio de Mineria Don Ramon del Moral.

MISION DE STA. CLARA, Fbro. 19 de 846.

Mi muy estimado amigo y Sor. q. aprecio:

V. sabe lo aficionado q. soy al ramo de Mina y empeñado en encontran una mina buena de Azogue he dado aqui con un criadero abundantisimo; al E. S. Presidento remito junto con esta unas piedras de Sinabrio y un poco de Azogue estamos formando un horno y hemos ensayado dho. metal en un cañon de escopeta tapado el oido con barro y metido la boca en agua asi nos ha dado el 30 p°.

Yo estimare á V. q. se tomase la molestia en obsequio del bien público q. se ensayase este metal por depender de su trabajo esta operacion.

Que V. y toda la fama se conserven buenos y q. mande cuanto guste á su affmo S. S. Q. B. S. M.—ANDRES CASTILLERO.

[Page 6, red ink.]

Es Copia. Mejico Abril 21 de 1846.

YSIDRO R. GONDRA,
Oficial 1°. [Rubric.]

—

Joaquin Velasquez de Leon, Director del Colegio Nacional de Mineria de esta Capital.

Certifico que en los archivos de este Colegio actualmente bajo mi cargo y custodia ecsiste una comunicacion original del Sor. Dn Vicente Segura Presidente de la Junta de Fomento y

Administrativa de Mineria y las copias de las cartas que acompaña referentes al descubrimiento de una Mina de Azogue en California por Dⁿ. Andrés Castillero.—Certifico ademas que las precedentes y anecsas copias en seis paginas numeradas por mi con tinta encarnada del numero 1 al 6 inclusive, son una verdadera y esacta copia ó calco de dichos documentos que ecsisten y constituyen parte de los archivos de esta oficina de mi cargo.

En testimonio de lo cual doy el presente bajo mi firma sin el sello de oficio por no tenerlo esta oficina.

Mexico, Febrero 18 de 1859.

JOAQUIN VELAZQUEZ DE LEON.
[Rubric.]

—

El que suscribe, Oficial Mayor del Ministerio de
[SELLO.] Fomento, Colonizacion, Yndustria y Comercio de la República Mexicana.

Certifico que D. Joaquin Velazquez de Leon, es Direcior del Colegio nacional de mineria que se halla bajo la inspeccion de este Ministerio. Atesto igualmente que los archivos del Colegio estan en la actualidad al cargo de dicho Director, y que la firma de D. Joaquin Velazquez de Leon, es la suya verdadera.

En testimonio de lo espuesto, doy el presente firmado por mí y sellado con el sello de este Ministerio hoy 11 de Marzo de 1859.

[SELLO.] P. ALMAZAN.
[Rubric.]

—

José Miguel Arroyo, Yntendente honorario de Ejército y oficial mayor del Ministerio de Relaciones esteriores de la República mexicana.

53 Certifico que D. Pascual Almazan es oficial mayor
del Ministerio de fomento, colonizacion, industria y
[SELLO.] Comercio de la propia Repùblica, y la anterior firma es la suya que usa en los documentos que autoriza.

Mexico, Marzo 12 de 1859.

Dros. 4 pˢ. J. MIGUEL ARROYO.
[Rubric.]

—

[SEAL], confining ribbon, with following names attached:

JOSE M. DE BASSOCO, Abril 14, 859.
[Rubric.]

ANTO. DEL CASTILLO, Abril 23 de 1859.
[Rubric.]

(Endorsed, BLAS BALCARCEL, Abril 23 de 1859.)
[Rubric.]

No. 104. CONSULATE OF THE U. S. OF AMERICA,

MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the countries, to be used in Foreign countries, and that the Seal of said Department attached to said certificate, is the same used in the legalization of all documents by said Officer.

Register J, folio 51.

Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
U. S. Consul.

EXHIBIT BASSOCO, NO. 11, O. H.

[Page 1 red ink.]

DIRECCION DEL COLEGIO NACIONAL
DE MINERIA.

JUNTA FACULTATIVA,

Sesion de 24 de Marzo de 1846.

Reunidos en el salon de Juntas el Sor. D. Ramon del Moral como presidente y los SS. Barcarcel, Navarro, Camacho y el q. subscribe, se leyeron unos documentos de la Junta de Fomento de Mineria q. paso el E. S. Dror. con fha 21 del presente mes á esta Junta relativos á un criadero de Cinabrio descubierto en Californias por el Sor. D. Andres Castillero y á otro de Carbon de piedra de la Costa de la Bahia de S^{a} Francisco, pidiendo q. se hicieran los ensayes de las muestras del Cinabrio remitidal al Sor Moral por el descubridor. La Junta acordó se informara conforme á lo q. ya se habia prácticado, es decir, q. unas de las espresadas muestras ya se habian ensayado por el Sor. D. Manuel Herrera y otros depositado en el Gabinete de Mineralogia, q. la ley de las muestras, salio con un 35½ por 100 de Azogue pues eran tan ricas q. se componian de cinabrio puro; y por ultimo q. se eshortara al E. S. Director para q. interpusiera su influjo con el Sup^{o} Gob^{o} y la Junta de Fomento de Mineria á fin de q. fuese eficasmente premiado el Sor Castillero por haber hecho un descubrimiento tan importante.—La Junta acordó igualmente el q. se conservase copia de los citados documentos en su secretaria con lo q. se levantó la sesion.

TOMAS RAMON DEL MORAL.
[Rubric.]

—

[Page 2 red ink.]

DIRECCION DEL COLEGIO NACIONAL
DE MINERIA.

Por el oficio de V. de 24 del pasado, me hé enterado que las muestras remitidas por el Sor. D. Andres Castillero fueron ensayadas por el profesor de Quimica D. Manuel Herrera, de que resultó que diesen una ley de 35½ por 100, por lo que dicho Sr. Castillero se ha hecho digno de la eficaz proteccion del Supremo Gobierno, q. de la junta de fomento administractiva de este Colegio; á quien con ésta fha. traslado el citado oficio de V. p^{a} su conocimiento.

Dios y Libertad. Megico, Abril 29 de 1846.

JOSE MARIA TORNEL.
[Rubric.]

Sr. D. Tomás Ramon del Moral Presidente de la Junta de Fomento del Colegio nac^{l} de Mineria.

Joaquin Velasquez de Leon, Director del Colegio Nacional de Mineria de esta Capital.

Certifico: que en los archivos de este Colegio actualmente bajo mi cargo y custodia existen varias actas ó memorias de Sesiones de la Junta Facultativa de dicho Colegio, y varios otros Documentos pertenecientes á dicha Junta Facultativa, y que entre ellos existe una Acta ó Memoria de Sesion titulada "Junta Facultativa, Sesion de 24 Marzo de 1846" firmada por Dⁿ Tomás Ramon del Moral con su firma y rubrica—y tambien existe una comunicacion original por José Maria Tornel dirijida al "Senor Dⁿ Tomás Ramon del Moral Presidente de la Junta de Fomento del Colegio Nacional de Mineria." Certifico ademas las precedentes y anecsas dos paginas numeradas por mi con que tinta encarnada del 1 al 2 inclusive son una verdadera y esacta copia ò calco de dichos documentos que existen y forman parte de los archivos de esta oficina de mi cargo.

En testimonio de lo cual doy el presente bajo mi firma, sin el sello de oficio por no tenerlo esta Oficina.

Mexico Febrero 18 de 1859.

JOAQUIN VELAZQUEZ DE LEON.
[Rubric.]

—

El que suscribe, Oficial Mayor del Ministerio de Fomento, Colonizacion Yndustria y Comercio de la República Mexicana.

Certifico que D. Joaquin Velazquez de Leon, es [SELLO.] Director del Colegio nacional de Mineria que se halla bajo la inspeccion de este Ministerio. Atesto igualmente que los archivos del Colegio estan en la actualidad al cargo de dho. Director, y que la firma de D. Joaquin Velazquez de Leon, es la suya verdadera.

En testimonio de lo espuesto, doy el presente firmado por mí y sellado con el sello de este Ministerio hoy 11 de Marzo de 1859.

[SELLO.]

P. ALMAZAN.
[Rubric.]

—

José Miguel Arroyo, Yntendente honorario de Ejército y Oficial Mayor 1° del Ministerio de Relaciones Esteriores de la Repùblica mexicana.

52 Certifico que D. Pascual Almazan es oficial mayor del Ministerio de fomento, colonizacion industria y comercio de la propia República, y la anterior firma es la suya que usa en los documentos que autoriza.

Mexico Marzo 12 de 1859.

Dros. 4 p^s.

J. MIGUEL ARROYO.
[Rubric.]

[SEAL], confining ribbon, with following names attached:

JOSE M. DE BASSOCO, Abril 14, 859.
[Rubric.]

(Endorsed, ANTO. DEL CASTILLO, Abril 23 de 1859.)
[Rubric.]

BLAS BALCARCEL, Abril 23 de 1859.
[Rubric.]

No. 106. CONSULATE OF THE U. S. OF AMERICA,

Mexico, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his Official acts are entitled to full faith and credit as such. I do further certify that the said Chief Clerk is the person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country to be used in foreign countries, and that the seal of said Department attached to said certificate is the same used in the legalization of all documents by said Officer.

Register J, folio 51.
Fees, $2.

In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and year first before written.

[SEAL.]

JOHN BLACK,
U. S. Consul.

EXHIBIT BASSOCO, NO. 12, O. H.

[Page 1 red ink, and 140 black ink.]

Julian Dufart, C° Mejicano quejandose del retardo que sufre su causa en el Juzgado del S. Pares de Lebrija.

Mayo 11. Remitase á la Supma Corte de Just^a para las provid^s que correspondan.

El C° José Mª Yrissari of^l 8° de este Minist° pide permiso p^a contrahen Matrimonio con la Srita D. Carlota Herrera.

Yd. 18. Concedido.

El Lic^do D^n Carlos Mª Bustamante pide se ponga en libertad al E. S. D. Ygn° Frigueros constituyendose fiador y responsable a las resultas del juicio.

Yd. 18. Pasese al Minist° de la Grra. p^a la provid^a de su recorte.

El C. M. M. al Campo en representacion y p^r encargo del Sr. Canonigo de la Sta Yglesia de Vajaca pide se le conceda pase al rescripto pontificio q^e acompaña.

Yd. 18. Al Consejo.

Catalino Barroso Coronel de Ejercito y Gefe del Betall de ha plaza de Queretaro, solicita una beca para su hijo del Colegio de S^n Yldefonso.

Yd. 19. Ynforme el S. Rector del Colegio de S. Yldefonso.

[Page 2 red ink.]

El S. Presid^te de la Junta de fomento de Mineria acompaña con recomendacion la solicitud de D. Andrés Castillero p^a el fomento de la mina de Azogue que ha descubierto en la mision de Sta Clara en la alta California.

Mayo 20. Se concede en los terminos en q^e se propone; y por lo tocante al terreno, librese la orn. correspondiente al Minist° de Relac^s p^a las providencias de su recorte en concepto de que el Gobno. Supmo. esta anuente á la solicitud.

Felipa Lopes de Dávila se queja de algunas injusticias de q^e solicita una reparacion.

Yd. Yd. Ecsitese al Tribunal Sup^r respectivo p^a q^e administre just^a.

Yd. 28. El C. Agustin Peza escrib^te 2° de este Minist° solicita un mes de licencia p^a restablecer su salud.

id. Como lo pide.

Junº 18. El E. S. Ministro de Relacª Exteriores inserta la comunicacn dirijida al E. ó Y. S. D. José Mª Luciano Becerra avisandole que dar admitida pr el E. S. Presidte la dimision qe hace del Despacho de este Ministº quedando encargdo de su despº D. José Mª Durán.

Yd. 23. Recibido hoy. Enterado.

Yd. 27. Dn Antonio Carrillo remite una instancia relativa á una compra que hizo de varios efectos que estaban embargados en la Admon. pral. de Rentas de Sonora.

Junio 23. Con esta fha se paso al Ministº de Hacienda.

—

MINISTERIO DE JUSTICIA, NEGOCIOS ECLESIASTICOS E INSTRUCCION PUBLICA.

El que suscribe, Oficial 1º del Ministerio de Justicia, Negocios Eclesiasticos ó Ynstruccion Publica y Mayor honorario del mismo con ejercicio de decretos.

Certifico que en el Archivo de este Ministerio [SELLO.] existe un libro encuadernado en lienzo y compuesto de ciento cincuenta y siete fojas numeradas del 1 al 157 inclusive, titulado "*Libro General Quince Años de* 1841 *y* 1842, *y sigue en* 1843, 1844, 1845 *y* 1846." Certifico igualmente que ese libro que era en el que se asentaban en su debida fecha los estractos de los negócios que entraban al Ministerio y de los acuerdos que el Ministro dictaba sobre ellos; está lleno con los asientos de los años que en la carátula se mencionan, y que los correspondientes al año de 1846 comenzan en la foja 122 y acaban en la 157 vuelta con un acuerdo que tiene fecha de 10 de Julio del año mencionado de 1846. Certifico por último que las dos paginas anexas de papel transparente numeradas con tinta encarnada del 1 al 2 son una verdadera y exacta cópia ó calco de la foja ciento cuarenta del Libro General tantas veces mencionado que existe y forma parte del Archivo de este Ministerio. En testimonio de lo cual y de órden Suprema estiendo el presente bajo mi firma, con el sello de ofício de esta Secretaria en México á 23 de Febrero de 1859.

MARA ALEGRIA.
[Rubric.]

—

[SEAL], confining ribbon, with following names attached:

CASTILLO LANZAS, Marzo 29, '859.
[Rubric.]

MARIANO MIRANDA, Marzo 29 de 1859.
[Rubric.]

JOSE M. DE BASSOCO, Abril 14 de 1859.
Rubric.

(Endorsed, Abril 18 de 1859. J. M. YRISSARI.
[Rubric.]

José Miguel Arroyo, Yntendente honorario de Ejército y Oficial mayor 1° del Ministerio de Relaciones Esteriores de la República mexicana.

Certifico que D. Mariano Allegría es oficial mayor
49 honorario del Ministerio de justicia de la propia
[SELLO.] Repúbiica, y la anterior firma es la suya que usa en los documentos que autoriza. México 11 de Marzo de 1859.

Dros. 4 p°.

[SELLO.] J. MIGUEL ARROYO.
[Rubric.]

—

No. 105. CONSULATE OF THE U. S. OF AMERICA,

MEXICO, March 16th, 1859.

I, the undersigned, Consul of the United States of America for the City of Mexico, hereby certify, that the signature of J. Miguel Arroyo, subscribed to the foregoing certificate, is in the proper handwriting of said person, the same as used by him in all his Official acts, who is well known to me, and was at the time of subscribing the same, Chief Clerk of the Department of Foreign Relations of the Mexican Government, and that all his official acts are entitled to full faith and credit as such. I do further certify, that the said Chief Clerk is the only person authorized by law to legalize by his certificate all documents made and executed before the authorities of the country, to be used in Foreign Countries; and that the Seal of said Department, attached to said certificate, is the same used in the legalization of all documents by said officer.

Register J, folio 51. In testimony whereof, I have hereunto set my hand, and affixed the Consular Seal, the day and
Fees, $2. year first above written.

[SEAL.] JOHN BLACK,
U. S. Consul.

EXHIBIT BASSOCO, NO. 13, O. H.

—

ESPOSICION DE LA JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.—Primer apéndice de la Memoria de Justicia.—Mexico: Imprenta de Ignacio Cumplido, calle de los Rebeldes número 2.—1845.

—

APÉNDICE.

—

Esposicion dirigida al Supremo Gobierno por la Junta de Fomento y Administrativa de Mineria, sobre el reconocimiento de criaderos de Cinabrio en la República, inversion de los fondos destinados al banco de azogues, y utilidad de fomentarlo.—Mexico, 1845: Imprenta de Ignacio Cumplido, calle de los Rebeldes número 2.

—

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA. } Numero 389.

Escmo. Señor:

Aunque la Junta de fomento y administrativa de Mineria no está obligada por ley, á dar cuenta al supr mo Gobierno del modo con que ha desempeñado los deberes que le impuso la de su ereccion, cediendo á las inspiraciones de su natural delicadeza, á los deseos que la animan de que sus actos puedan ser apreciados con el conocimiento de los hechos; pero especialmente á su conviccion de que serian incalculables las ventajas de publicar una Memoria comprendiendo lo mas notable del ramo de Minería, se propuso formarla, y al efecto pidió diversas noticias que dolorosamente hasta hoy han quedado sin remitírsele en la mayor parte.

No pudiendo, pues, llenar este objeto, considerando la urgente necesidad de azogue que tiene la Repùblica, y la de que su adquisicion se haga con menos quebrantos: que el silencio de la Junta sobre el particular en las presentes circunstancias podria perjudicar notablemente al ramo, y que V. E. aprovecharia en bien comun los datos relativos para la formacion de su Memoria, ha creida que, por lo menos, debia elevarle la presente esposicion instructiva.

La Junta agraviaria la notoria ilustracion del actual Ministerio, si pretendiera manifestarle todas las razones que ecsigen el fomento del ramo de azogues, y que persuaden de la influencia que protegiéndolo debe ejercer en la prosperidad mexicana; porque para conocerlas, solo se necesita recordar: que como todavia no puede usarse de otra alguna sustancia en el beneficio de los metales por amalgamacion, á cuya clase pertenecen casi todos los que producen las minas de oro y plata, es absolutamente indispensable adquirir aquel artículo esplotando las de cinabrio del pais, ó importándolo de las estrangeras.

En esta inteligencia, y en la de que monopolizado del azogue español e insuficiente el de otras naciones aun para cubrir sus propias necesidades, si la Repùblica no hace grandes esfuerzos para mejorar su situacion bajo este respecto, el precio continuará siendo mas y mas alto, dependiente el pais de otros por el mismo motivo, y reducido el producto de las minas; quedando ademas en su mayor parte espuesta á cegarse una de las principales fuentes de la riqueza pública, la Junta espondrá á V. E. compendiosamente las medidas que para impedir los espresados males adoptó el Gobierno provisional, los resultados que han dado y las que, á juicio de la Junta, deben tomarse, para que no sean ilusorios los recomendables fines con que se espidieron los respectivos decretos.

La ley orgánica de la Junta, dada por la Administracion provisional en 2 de Diciembre de 842, y publicada en esta ciudad por bando de 11 del mismo, al determinar las atribuciones del cuerpo comprendiò, entre otras, la de que formara con aprobacion del Supremo Gobierno (artículo 10) un reglamento sobre el modo con que debiera adquirirse, repartirse, y venderse el azogue á los beneficiadores de metales; designándose los casos y la manera con que se habia de aviar, premiar, ò de otra suerte, estimular y proteger el laboreo de minas de aquel en la República. Puso al cargo de la Junta (artículo 13) todos los caudales que produjera el fondo que manejó el antiguo establecimiento y el creado para la adquisicion de azogues, así como su reparticion esclusiva (articulo 18) á costo y costas entre los mismos beneficiadores, los productos de venta, y la ecsistencia del que resultara sin enagenarse. Constituyó este fondo con las dos terceras partes del aumento de derechos de importacion señalado en la misma fecha á los lienzos y tejidos de algodones estrangeros, y previno que la Junta pudiese dar el azogue (artículo 19) con la garantía correspondiente y en los términos que estableceria el reglamento, quedando facultada para hacer efectivo el cobro, ocurriendo por sí ó por medio de sus agentes á los jueces de hacienda, á fin de estrechar al cumplimiento de sus obligaciones á los individuos que las contrajeran, y reducir al pago á los que lo resistiesen. Dispuso (articulo 20) la publi-

cacion cada cuatro meses del estado de los repartimientos de azogue, espresando las cantidades compradas por la Junta, sus remitidas á cada mineral y los nombres de los beneficiadores interesados: que en caso de queja por desigualdad ò injusticia en el repartimiento decidiera el Supremo Gobierno, y que cuando llegara á reunirse el fondo equivalente á 24 mil quintales de azogue (articulo 21) cesara de aplicarse al efecto la parte designada del referido aumento de derechos.

Otra ley espedida en el mismo dia 2 y publicada tambien el 11 de Diciembre previno: (artículo 2°.) que con el producto de la diferencia en los derechos que establecia, y el gravámen impuesto por diverso decreto de la propia fecha á los malacates y fabricas, se formase un solo fondo, del cual se aplicara una tercera parte al fomento de la industria por el término de cinco años, y las dos restantes al de la Minería en cuanto fuera absolutamente necesario, segun el concepto de la 1ª disposicion, ingresando lo demas en las arcas públicas, así como, en su caso, lo destinado á la industria, á cuyo efecto tendria el Gobierno la intervencion conveniente en este punto; en la inteligencia (artículo 3°.) de que los administradores de las aduanas marítimas conservarian en rigoroso depòsito lo que se recaudase por la espresada diferencia para entregarlo á los agentes que hubiesen de percibirlo sin poder darle otra aplicacion bajo su mas estrecha responsabilidad, y de que comenzaria á verificarse el cobro del aumento (articulo 4°.) en las aduanas marítimas de los puertos del Seno Mexicano á los 45 dias de publicado el decreto en la capital de la República en cuanto á los efectos que se condujeran en buques procedentes de los puertos de las Antillas, Centro-América, y Estados-Unidos; y á los tres meses respecto de los que llegasen de los puertos de Europa, y de los Estados de Sur-América, y en las aduanas marítimas del Sur á los seis meses para los buques que llegáran con procedencia de los puertos de las Antillas, Centro-América, Estados-Unidos y de Europa, y á los tres meses para los que arribáran de los puertos de los Estados de Sur-América.

Aunque la Junta creyò suficiente el fondo designado para la compra de los 24,000 quintales fijados por la ley, teniendo en consideracion que debia irse formando paulatinamente en razon de las importaciones de los efectos gravados, causa por la que en los primeros años seria muy poco el azogue que pudiera proporcionarse; que pasarian muchos para la adquisicion del total de los 24 mil quintales; y que la necesidad de proveer de este ingrediente á los mineros era, como es hoy urgentísima, en 10 de Febrero de 843, y coe el fin de que se ocurriese á ella cuanto antes fuera posible, propuso el único arbitrio que se le presentó reducido á que se le facultara para disponer de una suma de pesos competente, á fin de entrar en convenios con el Gobierno

español; proporcionándose al efecto un empréstito hasta de dos millones de pesos, dentro ó fuera del pais; y persuadida de que segun fueran mas ò menos buenas, mayores ó menores los hipotecas que afianzaran el pago de réditos anuales y la amortizacion del capital, así serian las ventajas con que podria lograrse el realizarlo; consultò que el 3 por 100 impuesto al oro y plata por el artìculo 6°. de la ley de 22 de Noviembre de 1821 publicada en 20 de Febrero de 822, (que en Zacatecas no satisfacen los mineros del Fresnillo, y en la capital estaba consignado al establecimiento del Apartado), se diera á la Junta para que, unido al fondo que creò la ley de 2 de Diciembre, diese suficiente seguridad á los prestamistas. En consecuencia por decreto de 17 de Febrero de 1843, se facultó á la Junta (articulo 1°.) para contratar um empréstito hasta de dos millones de pesos en la República ó fuera de ella, con el menor grávamen posible y con el objeto de procurar la contrata del azogue de la mina de Almadén, quedando (articulo 2°.) sometida á la aprobacion del supremo Gobierno y la Junta, con la facultad (articulo 3°.) de entrar en negociaciones con el Gobierno español para la contrata del espresado mineral, por la cantidad de quintales á que se contrajo la ley citada de 2 de Diciembre, señalándose por hipoteca de la contrata (articulo 4°.) el fondo que creò la misma ley, y ademas el 2 por 100 del 3, que sobre el valor del oro y de la plata debia de contarse como contribucion conforme á lo prevenido en el art. 6°. de la ley de 20 de Febrero de 822 ingresando en los fondos del ramo de minería, luego que estuviese celebrada la contrata del azogue, con calidad de reintegro á la hacienda pública por los mismos productos que diere en su venta á los mineros, quedando tambien la contrata (articulo 5°.) que la Junta celebrara con el Gobierno de S. M. C. sometida á la aprobacion del de la República.

En 17 de Abril de 1843, se publicó en esta capital el decreto de 7 del mismo, aumentando (articulo 1°.) en un 20 por 100 los derechos de importacion que se cobraban por el arancel de 30 de Abril del año anterior, mientras durara la guerra contra los sublevados de Tejas y disidentes de Yucatan; y previniendo (artículo 2°.) que los lienzos y tegidos de algodon, blancos, trigueños y pintados, á que se contrajo el decreto de 2 de Diciembre, solamente pagaran la cuota que por él se les señalo para el fomento de los ramos de minería é industria, haciéndose el cobro desde la fecha prefijada por el decreto posterior de 24 del mismo Diciembre. Previno tambien (articulo 4°.) que el importe del aumento del 20 por 100, así como la diferencia entre las cuotas fijadas por el arancel, á los lienzos y tegidos de algodon, y las que designó el mencionado decreto de 2 de Diciembre, se satisfaciese en libranzas pagaderas al vencimiento de los

plazos señalados en el mismo arancel, para los derechos de importacion, girándolas á favor de la tesorería general, en donde se conservaria en rigoroso depósito á disposicion del Supremo Gobierno; en concepto (artículo 5°.) de que las aduanas marítimas para el cumplimiento de lo prevenido, aumentaria á la totalidad de derechos á que ascendiesen las hojas de despacho, con arreglo al repetido arancel, el 20 por 100 poniendo en columna separada el cobro de la diferencia.

De conformidad con lo informado por la Junta se espidió el decreto de 24 de Mayo de 1843 mandando (artículo 1°. observar puntualmente, por lo relativo á las minas de azogue de la República, las reales órdenes de 13 de Enero de 1783, 12 de Noviembre de 1791, 6 de Diciembre de 1796, y 8 de Agosto de 1814, sobre franquicia de alcabalas que conceden á los artículos del consumo de Minería: que ningun impuesto (artículo 2°.) general ni municipal, pesara sobre el azogue que se estrajese de los criaderos de la República: que traficara (artículo 3°.) por toda la nacion, sin guias, pases ni otros documentos de aduana: que se aplicara (artículo 4°.) un premio de 25.000 pesos á cada uno de los cuatro primeros empresarios que estrajesen en un año de las minas de la República 2.000 quintales de azogue en caldo; que se abonara (artículo 5°.) durante tres años por cada quintal de azogue, que tuviese la espresada procedencia, la cantidad de cinco pesos: que los operarios de las minas de este órden (artículo 6°.) quedasen esceptuados de todo servicio militar, y de las contribuciones personales; y que la Junta (artículo 7°.) formara el reglamento correspondiente para la distribucion de los indicados premios, satisfaciéndolos en su tiempo del fondo que se les designó por el artículo 2°. del decreto de 2 de Diciembre de 1842, y el 4°. del de 17 de Febrero de 1843.

En decreto de 5 de Julio del mismo se facultó á la Junta (artículo 1°.) para que pudiera trabajar, aviar y proteger las minas de azogue en la República, disponiendo (artículo 2°.) que las cantidades que facilitase con el objeto espresado á los empresarios, ademas de ser caucionadas á su satisfaccion, pagáran un interés anual de 5 por 100 para los fondos del ramo: que no aviaria (artículo 3°.) mina alguna sin obtener los datos necesarios y justificativos, en lo posible, de la bondad de la negociacion: que tampoco trabajara (artículo 4°.) por cuenta de los fondos sino las minas que le ofreciesen ventajas conocidas, ó á lo menos la conservacion del capital que hubiese de invertir, y el interés ecsigido á las que fuesen fomentadas por ella: que admitiera (artículo 5°.) bajo el precio que conviniese con los interesados, no debiendo esceder del de plaza, en pago de los respectivos capitales y réditos, azogue en caldo, repartiéndolo entre los minerales de plata y oro, de una manera proporcional

y arreglada á las prevenciones del reglamento que para la útil distribucion del fondo formaria y pasaria al Gobierno para su aprobacion: que estableciera en los Departamentos mineros (artículo 6°.) rescates de azogue en caldo y lo repartiese segun lo prevenido en el artículo anterior: que comprara ó hiciera construir por cuenta de los fondos (artículos 7°.) los frascos necesarios para envasar el azogue, distribuyéndolo entre los mismos Departamentos para que se condujese con seguridad: que la Junta (artículo 8°.) pudiera mandar personas inteligentes en busca de buenos criaderos de cinabrio, hacer que se reconociesen los ya descubiertos, y dictar cuantas medidas parciales recomendara la esperiencia, á fin de que fuese eficazmente fomentada la esplotacion de azogue en la República: que para que pudiese (artículo 9°.) llenar los objetos de esta ley y la citada de 24 de Mayo, usara de los fondos que se le designaron por el artículo 2° de la de 2 de Diciembre, y el 4° de la de 17 de Febrero; y que los citados fondos quedasen desde luego á su disposicion, entregándose con su órden, á las personas encargadas de colectarlos.

En 8 del mismo mes de Julio el Gobierno provisional previno al de Jalisco que abriera en dicho Departamento una suscricion *en la que un donativo gracioso ó un préstamo voluntario* procurara el fondo oportuno para la esplotacion de minas de azogue, formando al efecto una junta compuesta de los dueños de ellas y procediendo á reglamentarla del modo conveniente para que organizase su tesorería, se hiciese cargo de percibir *todas las sumas, ó de donativo* que se destinaran al fomento de la empresa, y de las que se recaudaran por impuestos para este objeto en el Departamento, y á fin así mismo de que la propia oficina satisfaciera *los préstamos cuando los recursos de la negociacion fuesen suficientes al efecto, y los prestamistas la persona ó personas con que* debieran *entenderse para hacer la entrega*, y el modo y términos en que hubieran de ser reintegrados; en concepto de que S. E. el Presidente provisional disponia, *que al frente de los ciudadanos que quisieran subscribirse* se le pusiera con la cantidad de cinco mil pesos, presentando así un ejemplo *que queria imitaran otros en beneficio público.*

En decreto espedido por el Ministerio de hacienda en 11 del propio Julio y publicado en 31 de Diciembre, se declararon por el artículo 32, subsistentes las gracias concedidas á la Minería en las leyes no derogadas, agregando que para que tuviesen lugar las respectivas esenciones de derechos, se condujeran los efectos precisamente con guia y obligacion de responsiva; y que ademas la autoridad política del mineral de su destino diese certificacion al conductor ó consignatario, acreditando que los efectos se introdujeron en la respectiva mina, sin cuya constan-

cia no se espidiese la tornaguía hasta cobrar los derechos; en concepto de que cuando el todo ó parte de los efectos se vendieran en el camino ó no llegasen á introducirse en los minerales, se ecsigieran los nerechos correspondientes, cuidando de cobrarlos ejecutivamente los administradores.

En decreto del 14 del cltado Julio se autorizó (artículo 1°.) à la Junta departamental de Jalisco, para imponer en aquel Departamento un préstamo, y en caso de no conseguirse, un impuesto sobre los ramos que considerara mas proporcionados para reunir la suma de cien mil pesos dentro del término que designara y fuese mas acomodado al objeto; mandando (artículo 2°.) que los espresados cien mil pesos se destinaran precisamente á fomentar las minas de azogue del Departamento mencionado: que la propia Junta (artículo 3°.) á los quince dias de haber recibido el decreto, reglamentara el reparto del préstamo, y en su caso, del impuesto, de modo que hiciese efectiva la recaudacion y aplicacion de dicha suma: que el Gobierno de Jalisco (artículo 4°.) formara una Junta á la cual presidiria, compuesta de los dueños de minas de azogue, reglamentándola como fuese mas conveniente, y creando y organizando su tesorería de manera que ella se hiciera cargo de percibir todas las cantidades determinadas por la misma ley y las que se recaudasen por donativo; así como de su devolucion cuando los recursos de las negociaciones que se fomentaran por este medio fuesen suficientes al efecto: y que las concesiones (artículo 5°.) acordadas al Departamento de Jalisco, se hicieran estensivas á todos los otros que trabajasen minas de azogue; declarándose por decreto de 24 de Agosto que debiendo ser voluntario el préstamo de que se trata, bajo esta inteligencia se procediera á su colectacion, y á lo demas que previno el de 14 de Julio antes citado.

Por ley de 25 de Septiembre se previno, con el fin de hacer efectivos los beneficios que el Gobierno se propuso dispensar á la Minería en la autorizacion que concediò á su Junta de fomento el decreto de 5 de Julio: que ella nombrara (artículo 1°.) una comision á lo menos en cada Departamento de la República para que esplorara y reconociera los respectivos criaderos de cinabrio: que el reconocimiento que las comisiones hiciesen (artículo 2°.) fuera científico, encargándose ademas de informar sobre los puntos siguientes: 1° si en el respectivo Departamento habia ò habia habido minas de azogue que se trabajasen entonces ó que antes se hubieran trabajado: 2°. cuál era el estado que tenian: 3°. cuáles serian mas susceptibles de laboreo: 4°. qué obras necesitarian para ponerse en corriente, y el costo que se les regulase: 5°. la ley que tuviesen los frutos que se reconocieran: y 6°. el costo de su estraccion y beneficio: que la

Junta (artículo 3°.) en vista de todos los informes espresados determinara los puntos que debieran ser habilitados de preferencia, y la cantidad con que hubiera de hacerse la habilitacion: que antes de seis meses (artículo 4°.) contados desde el mismo 25 de Septiembre deberian estar concluidos los reconocimientos, y antes de siete decretados los avios de las minas, pudiendo concederse anticipadamente algunas habilitaciones á las que por notoriedad las merecieran: que de los fondos (artículo 5°.) consignados para avios de minas de azogue, y de los que designò la propia ley se hiciesen aquellas habilitaciones: que para ministrar los avios (artículo 6°.) usara la Junta de uno de dos medios: 1°. ministrar el dinero necesario en clase de préstamo al rédito de un seis por ciento al año, 2°. constituirse en aviadora atenida á las pérdidas y ganancias como en los avios comunes: que cuando facilitara dinero á réditos (artículo 7°.) se asegurase precisamente de que el dinero se habia de devolver dentro del plazo que se conviniese; de que se afianzara el capital y réditos con garantias á satisfaccion del Establecimiento; de que se habia de invertir necesaria y esclusivamente en la negociacion de que se tratase, á cuyo fin podria poner interventor pagado por el dueño de la mina, y de que estos préstamos solo se hicieran á favor de las negociaciones que el mismo Establecimiento hubiese calificado dignas de ser habilitadas, segun los reconocimientos prevenidos: que si el avio se ministrase (artículo 8°) constituyéndose aviador el Establecimiento, se observara lo siguiente: 1°. que el avio se ajustara en mina digna de trabajarse segun el resultado de aquellos: 2°. que se arreglara la cantidad que hubiera de ministrarse, á los presupuestos que formara la comision reconocedora de la mina: 3°. que se estipulase la mitad á lo menos de utilidades á favor del aviador: 4°. que la direccion esclusiva fuese á cargo del aviador, con derecho el dueño de la mina para poner interventor: 5°. que cada cuatro meses se hiciera liquidacion y reparto de sobrantes si los hubiese: 6°. que el Establecimiento bajo su responsabilidad, hiciera la glosa de las cuentas; y 7°. que los sobrantes se aplicasen: 1°. á amortizar el caudal de avio, y hasta que este no estuviese enteramente cubierto no se hiciese reparto alguno entre los partícipes: que la Junta (artículo 9°.) formara un reglamento de avios segun las Bases de los artículos anteriores, sujetándolo á la aprobacion del Gobierno: que los fondos (artículo 10°.) para los avios decretados fuesen: 1°. el 1 por ciento de derechos impuestos (decreto de 16 de Marzo de 43, artículo 2°.) al numerario que se condujese de uno á otro Departamento: 2°. los 130 mil pesos que se regularon corresponder á la Minería del fondo que creò el decreto de 2 de Diciembre: que el importe del 1 por ciento (articulo 11°.) se cobrara por el Esta-

blecimiento de Minería á cuyo efecto podria nombrar y destinar los comisionados que le pareciesen: que los 130 mil pesos se pagarian (artículo 12°.) por las aduanas marítimas de Veracruz y de Tampico, ministrando la primera 80 mil pesos anuales, y 50 mil la segunda pagados por mesadas que remitirian en libranzas á favor de la Junta, la cual de los fondos destinados al laboreo de minas de azogue apliceria (artículo 13°.) los 15.000 pesos que asignò el decreto de 18 de Agosto del mismo año para la dotacion y gastos anuales del Seminario; previniéndose en el artículo 25°. del decreto de 5 de Octubre que designò las materias de estudio en el mismo colegio, que se ministráran del fondo de azogues 2.000 pesos mensuales en lugar de los 15.000 á que se refiriò el decreto de 18 de Agosto, por haberse aumentado las erogaciones. Finalmente en 14 de Octubre se declaró á consulta de la Junta: que ella podia tomar algunas acciones en las compañias de particulares que se formaran para el avio de minas de azogue, ó trabajarlas en propiedad con tal de que antes obtuviese la aprobacion del Gobierno.

En cumplimiento del artículo 10°. del decreto de 2 de Diciembre de 1842, la Junta le remitió en 16 de Noviembre de 843 el proyecto de reglamento que creyò conveniente para la mas económica y fiel administracion de los fondos que se le encargaron; consultando, por lo relativo al ramo de azogue, cuantas medidas le parecieron oportunas; pero como el mismo Gobierno en 30 de Diciembre del propio año dió la planta de la oficina de la Junta, en consideracion á que no podia llenar las importantes atenciones de que estaba encargada sin las precisas manos para su desempeño, resultó variado el proyecto que fué devuelto con fecha de 25 de Julio, para que lo reformase la Junta con arreglo á las posteriores disposiciones.

Para cumplir con lo prevenido en el decreto de 17 de Febrero de 843, ella con fecha 20 del mismo, mandò se publicara un aviso en algunos de los periódicos de la capital con el objeto de convocar personas que pudiesen hacer proposiciones sobre el préstamo de dos millones de pesos para que se hallaba autorizada, y con el fin de procurar la cómoda adquisicion de azogue de la mina de Almadén, advirtiendo que las propuestas se dirigieran á la mayor brevedad posible al secretario de la Junta; pero la publicacion no diò ningun resultado, sin duda por la poca confianza que tenian los capitalistas en la permanencia de las mismas disposiciones; y consiguientemente en la de las garantías.

Como por las ùltimas noticias de Europa que recibió la Junta, supo que el Banco de San Fernando en España habia hecho proposiciones para celebrar un contrato con el Gobierno de aquella nacion, á fin de que se le adjudicasen los azogues de la

mina de Almadén, y como la respetabilidad y conducta siempre juiciosa de dicho cuerpo le hacian creer que el contrato descansaria sobre bases tan justas como convenientes á ambas partes contratantes, estando segura, ademas, de que transfiriéndosele los derechos y las obligaciones que pudieran emanar de él, lograria el término de un negocio recíprocamente útil, no dudó esponerlo así al Gobierno el 22, manifestándole las ventajas que resultarian de que se le autorizara para pretender subrogar en la contrata al espresado Banco, lo que no parecia imposible atendiendo á las consideraciones que este pais debia merecer al español, no solo por los vínculos naturales con que están unidos, y que debian estrecharse de dia en dia, sino por los grandes resultados que podrian dar al comercio español algunas concesiones especiales que se acordaran; ofreciéndose en garantía de cumplimiento de la contrata, las hipotecas concedidas en el decreto; pero, aunque con fecha del 23 se le diò la autorizacion solicitada, nuevas noticias hicieron que la Junta variase de propósito.

En esa propia fecha dirigió al Gobierno de S. M. C. por conducto de su ministro plenipotenciario el Escmo. Sr. D. Pedro Pascual Oliver, las proposiciones siguientes: 1ª. anticiparle un millon de pesos fuertes, siempre que se sirviese aprobarlas: 2ª. hacer la anticipacion al mes de recibir en México la noticia oficial de estar admitida y aprobada la propuesta por el Gobierno español, entregando la espresada cantidad á la òrden de su Ministro, y siendo por cuenta de la Junta los derechos y costo de conduccion hasta su embarque: 3ª. que no se cobrara al azogue en España ninguna clase de impuesto: 4ª. que todo el azogue que el Gobierno español estrajera de su mina en cinco años, no pudiendo bajar en cada uno de quince mil quintales, ni esceder de veinte mil, fuese esclusivamente de la Junta; la cual venderia el esceso que pudiese haber entre la primera y segunda cantidad, segun conviniera con el mismo Gobierno, y á costo y costas en el depósito que al efecto se estableciese en Cádiz; pero no conviniendo en esta parte el Gobierno español, se limitaria á los quince mil, siempre que éste se comprometiera á no vender á menos precio y mas favorables condiciones: 5ª. que la Junta pagaria el quintal de azogue á 62 pesos fuertes, debiéndosele entregar envasado en frascos de fierro con tres arrobas de mineral cada uno: 6ª. que el Gobierno español quedaria obligado á poner cada cuatro meses 2.500 quintales en Tampicoo, 1.500 en Veracruz, y 1.000 entre San Blas y Mazatlan: 7ª. que tan luego como se recibiese la noticia de la llegada á los puertos referidos de algun azogue, se pondria su importe á disposicion del Escmo. Sr. Ministro de España siendo de cuenta de la Junta el costo de conduccion á aquellos, y los gas-

tos que debieran hacerse hasta el embarque; pero deduciendo la mitad del mismo importe, que quedaria en abono del millon anticipado: 8ª. que siendo 15.000 quintales los que debian traerse á la República; y pudiendo sacarse de la mina hasta 20.000, el esceso se situara en Cádiz á disposicion de la Junta la que pagaria el importe por medio de su comisionado en el mismo lugar y conforme fuese recibiendo el azogue; pero deduciendo la mitad del valor, que quedaria tambien en abono.

Cree la Junta de su deber indicar algunos de los fundamentos que tuvo presentes para hacer las proposiciones de que se ha hablado; En la hipótesis de que no hubiera sido cierta la contrata del Banco de San Fernando, segun se aseguró por cartas particulares y aun en algunos periódicos, y en la de que no conocia las bas de todas las propuestas nuevamente hechas al Gobierno español, quedaba á la Junta, sin embargo, un punto seguro de partida, el que le ofrecian los artículos del convenio de Rothschild en Londres. Se hallaban entre ellos, como fundamentales los relativos á la anticipacion de dos y medio millones de pesos, á designar 62 pesos 2 reales de precio á cada quintal de azogue, y una quinta parte de su valor en abono del importe del préstamo. Sabia la Junta que la propuesta estaba mejorada y no obstante abrió sus relaciones ofreciendo un millon adelantado, fijando el precio de 62 pesos, y en una mitad del valor del efecto el abono con que aquella cantidad debiera reintegrársele. Redujo á cinco años la duracion del contrato estendiéndolo á 75 mil quintales en su mínima adquisicion, y á 100 mil en la mácsima para todo el tiempo; porque en el primer caso podria abastecerse de este ingrediente á la Minería, continuando en el estado que tuvo en el quinquenio corrido desde 1º. de Enero de 1833, hasta 31 de Diciembre de 1837, pues que ateniéndose al cálculo que hizo el Establecimiento en informe dado al Ministerio de hacienda en 10 de Noviembre de 1838, resultaba: que la Repùblica gastaria en cada año, por un término medio, 14,065 quintales, sin incluir el necesario para las oficinas de farmacia y otros usos de las artes, y prescindiendo, de que fomentándose el ramo, seria mayor proporcionalmente el consumo, evitando los varios inconvenientes que podrian resultar de que el esceso de los productos de Almadén se obtuviera por otros cuerpos ó personas á menor precio y mas favorables condiciones; y en el segundo porque determinándose la saca de metales, se impedia que la abundancia, durante el contrato, perjudicara los intereses de la empresa, ofreciendo al mismo tiempo al Gabinete de Madrid una garantía contra el monopolio que decia rehusar, en la seguridad de que se repartiese el mismo esceso á costo y costas. Tuvo tambien presente la Junta que habiéndosele dado un fondo equivalente al valor

de 24.000 quintales, con él y con los producidos de venta podia llenar sus compromisos, no debiendo limitarse, por lo mismo, á la adquisicion en una vez de los 24 mil quintales mencionados, por ser esta cantidad escesiva para el consumo de un año, é insuficiente para el de cinco, tiempo en que acaso las minas del pais fomentadas, podian ministrar todo ò la mayor parte del azogue que necesitaran; lográndose de este modo un fomento permanente sin que la Junta usase de otros recursos que aquellos que se le franquearon.

Ningun resultado produjeron, ni debieron producir los esfuerzos de la Junta; ya porque ocurrió sin la debida oportunidad, no estando representada en Madrid; ya porque le fué dificil llenar algunos de los requisitos ecsigidos en el pliego de bases de propuesta que diò el Gobierno español; ya porque entre los licitantes hubo algunos á quienes sus facultades y circunstancias colocaron en mas ventajosa posicion que la que la Junto guardaba; y ya sobre todo, porque siempre fueron superiores á las suyas, otras de las propuestas presentadas al remate; lo cierto es, que este fincó en el Sr. Salamanca, no quedando otro arbitrio que el de esperar el nuevo, que no se halla muy lejos, y para el que deben adoptarse por México mas oportunas providencias.

Espedido el decreto de 24 de Mayo la Contaduría encargada de la direccion general de alcabalas y contribuciones directas visto lo dispuesto en el artículo 1°. sobre franquicias concedidas á los efectos de consumo en las minas, juzgò necesario dirigir al Ministerio de hacienda para su aprobacion una minuta de la circular que le parecia oportuno se comunicara á sus subalternos, conteniendo la espresion especificada de los artículos esceptuados, para evitar la confusa inteligencia que pudieran dar á las leyes; y como al denominarse en ellas varios de esos propios efectos se hiciese estensiva la esencion con las palabras *y otros*, á los que inmediatamente sirvieran al laboreo de minas, ò beneficio de sus metales, ò para los desagües, quedando indeterminados los demas artículos esentos, consultó que en obvio de dudas se estimaran solo libres los efectos nominalmente comprendidos en las mismas cédulas. Propuso ademas que el azogue nacional y el estrangero caminaran sin guias, ni pases, aun de las aduanas marítimas y fronterizas: que la libertad de alcabalas fuera por las introducciones ó ventas en el distrito de las aduanas, receptorías ò sub-receptorías donde se esplotase azogue: que la esencion solo se entendiese de la alcabala: que el fierro y acero estrangeros no fueran libres del derecho que pagan en los puertos al internarse: que aunque no se mencionan en las repetidas disposiciones la arena, cal, y camones de arrastre, se incluyeran en la esencion, por haberla concedido

otras òrdenes anteriores; y que se publicase la circular que proponia, y las reales òrdenes que citaba.

Viò la Junta que, á pretesto de la mejor observancia del decreto, volvian á ofrecerse los embarazos causados por las prácticas introducidas en el cobro del derecho de alcabala despues de creadas la administracion y la direccion general de la misma renta; y como aquellas ya habian sido ecsaminadas con escrupulosidad por el estinguido Tribunal de Minería, al dirigir al Virey su esposicion relativa de 13 de Octubre de 1778, en la que se trataron separadamente los fundamentos de justicia y de razon que se oponian á la subsistencia de las mismas prácticas, y sus perniciosos efectos, aun en contra del erario pùblico en cuyo favor se establecieron, la Junta creyó bastante reproducir los motivos de la citada esposicion en otra que tuvo el honor de elevar al Supremo Gobierno en 31 de Julio de 843, y de la que, sin embargo de correr impresa en algunos periódicos, acompaña copia bajo el número 1, en atencion á lo importante del negocio á que se refiere.

No obtuvo respuesta alguna; y si en el decreto de 11 del propio mes, que no se publicò hasta el 31 de Diciembre, se declararon vigentes las leyes protectoras de la Minería, sus prevenciones para evitar el abuso que pudieran hacer los interesados, dieron sin duda orígen para que, á lo menos en algunos casos, resulten ineficaces las providencias que disponen la esencion, pues que así lo deduce la Junta de varias quejas que sobre el particular ha recibido.

El Supremo Gobierno, en 10 de Noviembre de dicho año, se sirvió aprobar la medida acordada por la Junta departamental de Jalisco para reunir los 100 mil pesos á que se contrajo el decreto de 14 de Julio, reducida á que aplicase al fomento de minas de azogue, el producto de la contribucion impuesta á los tercios que se introdujeran en la feria de San Juan, en virtud de su acuerdo de 2 de Octubre de 1841, haciéndola estensiva á los que se importasen en la de Tepic, é imponiendo la pension de 2 reales á cada fardo de efectos de ropa, de mercería, y del pais, y un real á los de abarrote, que debian satisfacer todos los que se introdujesen en cualesquiera de las poblaciones de aquel Departamento; pero el mismo Gobierno, al hacerlo, puso á disposicion de la Junta los espresados fondos, para que arreglara su inversion, conforme á lo prevenido sobre la materia; en concepto de no deberse aplicar á Jalisco cantidad alguna del fondo general de azogues, por tener ya el particular indicado.

La junta en consecuencia, diò todas las òrdenes necesarias para el arreglo del cobro de las referidas contribuciones, asegurando sus productos, y se hallaba percibiéndolos, cuando el Ministerio de hacienda dispuso de parte de ellos en 1°. del citado Diciembre para atenciones militares.

No podia la Junta sin embargo invertirlos desde luego por hallarse pendientes los reconocimientos de las minas, y deseando no solo la mayor seguridad de lo que tenia ecsistente, sino que no fuera improductivo, en 3 de Mayo de 1844 celebro un contrato con casa de notorio abono, para que recibiese el total colectado en Guadalajara, abonando mientras estuviera en su poder el 6 por ciento de interes anual desde que en México se supiese que el administrador de rentas, á quien se encargó de la recaudacion, habia hecho el pago de las respectivas letras; en concepto de que devolveria en la misma ciudad las cantidades recibidas al mes contado desde la fecha en que la Junta le diese al efecto el aviso correspondiente; medida á que se ha debido la conservacion de 20.125 pesos 10½ granos que hay de la pertenencia del espresado fondo.

En 15 de Junio de dicho año, espidiò la Escma. Asamblea de Jalisco un decreto para que se construyera la cárcel de Guadalajara con los fondos que anteriormente se designaron al efecto, es decir, con los que ecsistian en numerario ó en créditos de las contribuciones recaudadas en las ferias de Tepic y de San Juan, y las sumas que se cobrasen en lo sucesivo por la misma causa y por el impuesto de tercios; aunque continuando este consignado para el fomento de las minas de azogue en el caso de necesitarlo.

La Junta se vió precisada para cumplir con sus deberes, á llamar la atencion del Supremo Gobierno sobre la validez ò legalidad del mismo decreto; porque si no se equivoca en sus conceptos, la departamental de Jalisco aplicó los productos de los impuestos de que se trata en virtud de la autorizacion que le concedió el de 14 de Julio, y este fué espedido en uso de las facultades estraordinarias del Gobierno provisional; pero que ejercida una vez, cesó de tenerla, mucho mas cuando el poder de que emanara, habia dejado de ecsistir desde 1°. de Enero del propio año, y como la derogacion de cualquier decreto dado por el Gobierno legislativamente no puede ser de las atribuciones de ninguna asamblea departamental, es claro que la de Jalisco no ha tenido facultad para disponer de dichos fondos, aunqué por otra parte sea laudable el objeto á que los destinaba. La Junta de Minería por consiguiente ha hecho cuanto era de su resorte para que no se le privara de ellos; pero sin resultado alguno hasta la fecha.

Muchos fueron los trabajos que la Junta tuvo que impender para que el nombramiento de las comisiones reconocedoras de minas de azogue fuera en lo posible acertado, sin que pudiese verificarlo con mas oportunidad, porque sobre no ser abundantes entre nosotros los peritos espertos, para ocupar á algunos de los que ecsisten, se le presentaron obstáculos que no le fué dable

vencer; pero hecha por fin la eleccion de varios se procedió al ecsámen de distintos criaderos, dando préviamente á las respectivas comisiones la instruccion oportuna.

Para que se forme una idea del resultado de los reconocimientos hechos, la Junta pasa á tratar de este punto importante, estractando los relativos á cada Departamento; bajo la inteligencia de que ha tenido que limitar mucho la parte científica de los informes de las comisiones, porque para hacerlo con mas estension, necesitaria de un tiempo considerablemente mayor que el de que ha podido disponer para formar la presente nota; porque ella tendria que ser mas difusa y acompañada de algunos planos; y porque la Junta se halla inclinada á que se publiquen íntegros, no habiéndolo hecho ya en otra ocasion porque el Ministerio se lo prohibió en 11 de Abril con la mira de imprimirlos, segun un plan que al efecto tenia formado.

—

GUANAJUATO.

Para que se reconociera este Departamento fué electo D. Ignacio Alcocer en 7 de Diciembre de 843, y en 2 de Marzo, en union de su segundo D. Benito Herrera, salió de aqulla ciudad para dar principio á sus trabajos, remitiendo en 17 de Abril el correspondiente informe.

De él resulta: que el azogue se encuentra en las haciendas del Rodeo, y San Nicolás del Chapin; en el cerro del Pinalillo; rincon de Centeno; cerros del Gigante y del Toro; mineral de San Juan de la Chica, en el punto llamado de Palos Colorados; y en los minerales de Pozos y Atarjea: que observándose en el primero el cuarzo teñido por el cinabrio, pero sin indicio de criadero, no debe tomarse en consideracion, así como tampoco el de la hacienda de San Nicolás, por el propio motivo, ni la mina de Taray que se encuentra en aquel punto, presentando el mismo aspectó; que en el cerro del Pinalillo se ha comenzado á trabajar una mina, que consiste en un pozo de 3½ á 4 varas de profundidad, y de la que se han estraido ya algunas pequeñas cantidades de azogue, habiéndose hecho otras investigaciones mas superficiales; sin que, acaso por esto, hayan podido costearse los empresarios: que en el mineral de Centeno se encuentran la antigua mina de Soledad y tres bocas abiertas posteriormente en la misma veta, llamadas del Patrocinio, del Nopal, y de Guanajuatito; hallándose la primera aterrada en la mayor parte de sus labrados, y las otras trabajadas sin regla alguna, y por buscones, que careciendo de recursos, solo han podido estraer frutos en muy corta cantidad, para proporcionarse con su valor una escasa subsistencia: que aun se conser-

van en aquel lugar dos hornos de cal y canto, que servian antiguamente para quemar hasta 40 arrobas de metal en cada uno: que en el cerro del Gigante solo se amparan en la actualidad las minas de Dolores y de Guadalupe, situadas ambas en un manto, cuyo espesor es de 2½ á 3½ varas y de una longitud muy considerable, porque se observa hasta en una estension de mas de dos leguas; que hay otro debajo del primero y es probable que se encontrarán varios, ecsaminándolos por medio de un tiro vertical de 200, á 250 varas; obra que considera la comision como digna de emprenderse, porque las labores se han seguido siempre en una direccion casi horizontal, habiendo producido algunos ojos ricos con peso hasta de 20 arrobas, y penetrados de mercurio nativo en un grado tal, que partiéndose la masa, aparece la testura cubierta de glóbulos de azogue: que en la montaña llamada del Toro se hallan la mina de este nombre, las del Capulin y de Clavellinas, y las de Providencia y el Refugio con otros escarbaderos hechos en distintos puntos: que el cinabrio se encuentra en cuarzo al que tiñe mas ó ménos dando sus frutos por lo mismo diferentes leyes, y la montaña atravesada por varios hilos, que se cortan en todas direcciones: que la profundidad de la mina de Providencia es de 3 á 4 varas; y por la naturaleza de la roca en que arma, promete fundadas esperanzas: que la mina del Capulin fué ántes trabajada con bastante empeño, y segun se dice, con muy buen écsito, lo que es probable, atendiendo á los gastos que se erogaron en la construccion de dos hornos, que se conservan y son reparables á muy poco costo, y en la de otras obras que anuncian la abundancia de frutos de una ley costeable; probando lo mismo el único labrado que se puede observar, porque los demas se hallan inundados; en coneepto de que en las inmediaciones de la mina y aun en la superficie de la tierra, se advierten por todas partes hilos muy finos de cinabrio en esteatita: que la de Clavellinas está llena de agua: que la del Refugio comienza ahora á trabajarse teniendo una profundidad de 8 á 10 varas: que la veta en que se halla la mina de San Juan, tiene un espesor desde 2 á 7 varas, y el cinabrio en hilos ricos cuyo grueso es muy variable, siendo por lo comun de media pulgada los mas anchos: que las antiguas labores están aterradas en su mayor parte, quedando solo libres las inmediatas á la superficie de la tierra; en las que trabajan los actuales buscones: que en el cerro del Frayle se encuentra el cinabrio, pero con pintas tan escasas, que no merece consideracion, sucediendo lo mismo en el punto de Palos Colorados: que en la mina de Guadalupe, en el mineral de Atarjea, se encuentran diseminados riñones de cinabrio compacto hasta de 8 pulgadas de diámetro, haciendo su escasez que no puedan costearse los trabajos en la actuali-

dad; razon por la que debiera darse un tiro vertical para ecsaminar las diversas capas de la montaña, y ver si en algunas abundan aquellos ó se descubre una veta ó manto con igual clase de productos, en cuyo caso ministraria tanto azogue, cuanto pudiera la República necesitar: que en el mineral de San Pedro de los Pozos, están las minas de Animas, Soledad, y San Rafael, en las que se halla el cinabrio en hilos que tienen de ancho en la primera de $\frac{1}{8}$ á $\frac{1}{3}$ vara, y de una á dos pulgadas en la segunda, sin poder observarse la tercera por hallarse totalmente arruinada: que los ensayes dieron por resultado las leyes siguientes. Los riñones de Atarjea sin caliza 27,20 por ciento; los que la contienen en corta cantidad 22,40; los mas inferiores 20,60; los jabones muy buenos de la mina de Dolores en el Gigante 4,80; los comunes pepenados de la mina, 3,79; los de Providencia 4,13; los limpios del rincon de Centeno 4; los mismos en el Pinalillo, 2,80; las tierras buenas de la mina del Toro, 2,53; los frutos limpios de ella, 1,13; las comunes del Refugio, 2,40; los pepenados de la Soledad 2,20; los limpios de los hilos de la de San Juan, 8,20; los jabones estraidos de la superficie de la tierra en las inmediaciones del Capulin, 1,53; y los metales comunes de la de Animas, 0,30; que en cuanto á los costos de estraccion y beneficio, como los primeros varian segun la cantidad de frutos que pueden separarse de toda la carga que produce *una herramienta* no siendo constante aquella cantidad porque sigue las mismas alternativas que los labrados, la Comision juzgò seria errònco cualquier cálculo que pudiera hacer sobre el actual estado de las minas; absteniéndose por tanto de formarlo, supuesto que no podria hacerse con alguna esactitud, siuo cuando se regularizasen los trabajos por la probabilidad que hay de que á mayores profundidades las vetas sufran ménos variaciones, prefiriendo por lo mismo calcular la ley que para costearse necesitan tener los frutos, partiéndose así de datos fijos que ministren una base para lo sucesivo - que si en este concepto se supone que de toda la cantidad de piedra producida por una *herramienta* solo la cuarta parte sea de frutos, la ley que éstos deben tener para costearse atendidos los gastos indispensables, es de 91 centésimos por ciento, atribuyendo al quintal de azogue un precio de 125 pesos: que las minas de cinabrio que, en su opinion, deben especularse, por ofrecer fundadas esperanzas de un buen resultado, son las de Atarjea; las del Toro, y principalmente las de Providencia y el Capulin; la de San Juan de la Chica; las del Gigante; y las del mineral de Centeno; sin que deba esperarse que ninguna de ellas produzca la cantidad de frutos necesaria para costear inmediatamente su laboreo, porque todas tienen muy poca profundidad, siendo preciso para adquirirla, resolverse á hacer las erogaciones

consiguientes, á fin de investigar, si á una mayor, mejoran ó terminan los criaderos de cinabrio que hay en el pais: lo que, hasta ahora, se ignora; teniéndose presente que si las minas de plata hubieran sido abandonadas por no costear sus frutos á una corta profundidad, la República se habria visto privada de la enorme riqueza que han producido; y que la Junta podria asignar en clase de avio 10 mil pesos á cada una de las minas indicadas; pero esceptuando la de Dolores en el Gigante, y la de Guadalupe en el mineral de Atarjea; porque necesitando de un tiro vertical, no siendo suficiente la suma asignada á las otras, seria conveniente para estas, estenderla hasta 25 mil pesos.

La Junta en 10 de Mayo, de acuerdo con el Ministerio del ramo, dispuso, comisionar al Tribunal de Minería de Guanajuato, para que trabajara las minas de Guadalupe en la Atarjea, y la del Clavellinas, destinando 25 mil pesos para la primera y 10 mil para la segunda, facultándole para que adquiriera la propiedad ó contratara el avio; pero sin que bajase aquella de la mitad de las barras, y en el concepto de que los azogues no se repartirian en especie, sino que se venderian por cuenta de la negociacion, sujetándose las contratas á ser ratificadas por la Junta, pudiendo el Juzgado hacer el nombramiento de los dependientes; entendido de que para el mismo objeto, y para aviar las minas del Durazno, de las que despues se hablará, quedaban situados 50 mil pesos en aquella casa de moneda.

Con fecha 17 del mismo contestó el Tribunal admitiendo el encargo, y dando aviso de que solo la mina de Clavellinas se hallaba disponible; porque aunque la habia denunciado anticipadamente por falta de fondos la cedia á la Junta; conformándose gustoso con la parte en que se quisiera dejarle interesado; la cual se redujo despues á cuatro barras viudas.

En 11 de Junio celebró la Junta un convenio con D. Manuel Mariano de Cortazar, dueño de la mina de Guadalupe en la Atarjea, por el cual cedió éste la citada negociacion con cuanto le pertenece para que la Junta la trabajara, aviara, ó fomentara de la manera que mas le conviniese, reservando para sí 12 barras viudas con la facultad de recibir en especie la parte de utilidades que le corresponda, y la de intervenir en la mina á sus espensas; pero sin mezclarse en lo directivo ni administrativo, pactándose ademas que la Junta pueda vender el azogue que la negociacion produzca á 15 pesos ménos del precio corriente de plaza, para cubrir los gastos de avio y las memorias semanarias, despues de reintegrarse los fondos de la cantidad invertida en la empresa. quedando la mina, si se abandonare, obligada á reintegrar el importe del avio con la mitad de los productos libres que resulten despues de cubierto el último refaccionario,

y el Tribunal minero facultado para formalizar el respectivo contrato, haciendo las aclaraciones que estimara convenientes, como se vérificó en escritura otorgada en 24 de dicho mes.

En 23 de Agosto avisó el Tribunal que en la Atarjea se habian encontrado otros dos criaderos, siendo uno tan bueno como los que se estaban esplotando; y en 10 de Octubre que habia dada principio á los trabajos del punto llamado Herramienta en el Capulin, por haber producido con gasto de 350 pesos cosa de 4 quintales de azogue: que en la mina del Toro se hallaba un escarbadero por el cual ecsigian los dueños alguna cantidad; debiendo èste comprarse porque la abundancia dc sus metales compensaria la escasa ley de ellos dando alguna utilidad; y que debia esplorarse la mina de Palos Colorados por estar en una veta de que no se ha descubierto mas que un respaldo, haciendo lo mismo con la de Peña Sentada que tiene el propio carácter de aquella. La Junta dispuso lo conveniente para contratar las minas, cuya esplotacion recomendaba el Tribunal.

Varias obras se han emprendido en aquellas; pero segun las ùltimas noticias que alcanzan hasta el 17 de Enero de este año en la mina de Clavellinas se cortó la veta á las 104 varas de socavon; pero resultando emborrascada, solo se avanza el cuele vertical que debe constar de 100, y que tiene ya 61½ para lograr un término ventajoso, ò abandonarla: en las del Toro se recogen algunos frutos ordinarios; pero con la fundada esperanza de que aumenten luego que las minas se hallen limpias; y ademas, en el Capulin se obtuvieron algunos metales y sobrevino la borrasca, contlnuándose por lo mismo uno que otro trabajo de investigacion; y en la de Atarjea hay seis labores, produciendo cuatro de ellas frutos que, aunque no abundan todavia, tienen una ley considerable, pues llegan los buenos á la de 53 por ciento y la de los comunes á un 2½; habiéndose invertido en toda la negociacion, hasta aquella fecha, 18.801 pesos 3 reales 9 granos, de los que ecsisten en metales y efectos, 9.487 pesos 2 reales, quedando solamente consumidos 9.314 pesos 1 real 9 granos, en gastos muertos hechos para el establecimiento de la empresa, en la esplotacion de las minas, y en un horno pequeño que aun no estaba puesto en uso, siendo de advertir que en el cálculo de ecsistencias no se comprenden 6 quintales de azogue en caldo estraidos hasta entonces.

—

MEXICO.

Se formaron dos comisiones, una para la parte que mira al Sur, y otra para la del Norte de este ciudad.

La 1ª. compuesta en 22 de Enero de 1844 del Sr. D. Rafael

Durán y de D. Agustin Font, dió principio á sus trabajos en 7 de Febrero, y en informe del 22 espuso: que habiendo reconocido una labor en cada una de las minas de Negrilla y de Santa Gertrudis en la hacienda de Pregones del mineral de Tasco, no haciéndolo de las demas por hallarse llenas de escombros ó inundadas, las encontrò poco dignas de llamar la atencion de la Junta, por ser muy miserables las leyes del metal, no obstante que los elementos esteriores son de tal naturaleza, que pudieran favorecer la esplotacion, concluyendo con opinar: que ella no debe emprenderse sino en el caso inesperado de no hallarse mejores minas en el mismo Departamento.

Al remitir su informe de 23 de Marzo sobre resultados del ecsámen que hizo de las minas de San Rafael, en el cerro de Chapitzaco, distrito de Chilapa, manifiesta sus deseos de que la Junta se persuada que aquella negociacion promete surtir de azogues, en poco tiempo á todas las haciendas de beneficio que hay en el Departamento de México, por ser abundante en su saca, y estar la veta regularizada; pues aunque, hasta ahora, es pobre, se debe acaso á que en nuestro pais la riqueza de las minas, consiste regularmente, mas que en las buenas leyes de los métales, en la crecida estraccion que se hace de estos. Dice ademas que la negociacion se compone de dos vetas en las que se encuentran cuatro bocas casi unidas, teniendo la una de aquellas una tercia y la otra una vara de ancho en la parte que se reconocieron: que la segunda aunque emborrascada, contiene vermellon muy diseminado y fué reconocida desde el año de 1677 bajo el nombro de la Concepcion y abandonado despues de haberse estraido de ella 4.000 quintales de metal: que son buenos sus elemontos esteriores y aun se conserva en buen estado un horno pequeño: que con *solo las labores habilitadas pueden sacarse* 10 *cargas de metal al dia con* 6 *paradas de barreteros, no pasando el costo de* 2 *reales y* 40 *centavos el quintal, pudiendo poblarse todas con* 20 *á lo menos*, con lo que aumentaria acaso proporcionalmente la cantidad de la estraccion, sin bajar *de* 500 *quintales diarios* si se considera que los frutos mejorarán de ley en la razon en que se profundicen las labores; pues aun en el supuesto, lo que no debe esperarse, de *que las leyes se mantengan en el mismo estado, se estraerian* 125 *libras de azogue en el dia, y otras tantas en la noche, suma considerable si se atiende á que la mina es cata y su profundidad no escede de* 25 *varas:* que no hallándose en los terrenos los metales que deben haberse estraido segun la estension de las escavaciones, esto solo puede consistir en que los esplotadores los beneficiaran con provecho, ó que los buscones los hayan despues utilizado, inclinándose la comision por varias consideraciones á creer lo segundo: y que como al meditar el plan de un reconocimiento minucioso tuvo

que presuponer los gastos de ademes, escaleras, y algunos desagües y desensolves, que ascenderian á cerca de 1.000 pesos, y necesitando ademas de algun tiempo para verificarlo, se redujo á reconocer las labores accesibles, y habiendo ensayado los frutos de aquellas, halió que la ley media es de ½ por ciento, *siendo de advertir que como el metal rico abunda mas, los resultados por mayor deben ser mejores.*

En 30 del mismo avisó que no habia pasado á reconocer las minas de la Joya de Ahuaguacingo, porque los interesados ademas de ecsagerar en su concepto, la bondad de las minas, ignoraban el verdadero punto de su situacion; pero que habiendo ensayado algunos metales que se le presentaron, la ley no escedió de la de ½ por 100, que como el mineral de Mochitlan cerca del de Chilpancingo, promete en sus vetas la misma formacion de las de Ahuaguacinso y Chapitzaco: es de presumir que con el tiempo se encuentren algunas de cinabrio, pues que las pocas personas de razon que pueden tener conocimiento de ellas, sin duda temen presentarlas, por no chocar con los indígenas, *que aun conservan respecto de los mexicanos la misma antipatía y desconfianza que tuvieron á sus conquistadores.*

En 13 de Abril regresó del cerro de los Cajones, distrito de Chilpancingo, á donde habia ido á reconocer un criadero de mercurio nativo que allí ecsiste, segun aseguran varias personas de veracidad, sin haber obtenido resultado alguno sus investigaciones.

En 27 informó que la mina del Huamuchil en Ajuchitlán ha sido esplotada con mal écsito, acaso por falta entre los especuladores de los conocimientos necesarios para el beneficio del cinabrio: que se halla despilarada completamente y que en dos ensayes que se hicieron, ol uno diò 15 adarmes por quintal y el otro 3½ por 100: que las venas sirven como de guias al minero para encontrar depósitos mas ó ménos considerables en la cantidad y riqueza del metal: que quizá por el pésimo estado de los labrados, se proyectó un socavon en la falda occidental del cerro, abajo de la boca principal, y á distancia de 200 varas en línea oblìcua, y 162 en la vertical, el que tiene ya 12 de escavacion: que esta obra á juicio de los comisionados es interesante, y tendrá de costo cerca de 1700 pesos: que la saca de metales en el estado en que se encuentra la mina, podrá ser de 6 arrobas diarias en cada labor, y su costo un peso por cada quintal: que aunque la habilitacion para trabajar las labores antiguas, seguir las emborrascadas, y las dos que se hallan en frutos, ecsigiria un gasto de cerca de 600 pesos, la comision le gradua por ahora inútil, atendiendo á que aquella debe calcularse á la conclusion del socavon, por los términos en que se corte la veta: que se abstenia de detallar el costo que deberian tener los hornos necesarios, porque en el estado que ofrece le negoci-

acion, siendo de tan dudoso écsito, se aventuraria mucho haciendo el gasto desde luego, y que, por lo mismo, la mina no merece el avio hasta que se reconozca la veta en su mayor profundidad.

En 14 de Mayo los comisionados dieron parte de haber reconocido el creston llamado de la Candelaria en el mismo territorio. Del informe aparece, que se halla en la falda del cerro de Huamuchil, como 400 varas mas abajo del nivel de la mina antigua: que hecho un ensaye de frutos pepenados, produjo una ley de $\frac{1}{2}$ por 100: que si no es la propia veta, al ménos es de la misma formacion: que como promete por su abundancia grandes esperanzas, pudiendo ponerse en corriente desde el principio á poco costo, debe habilitarse; y que haciéndose un gasto de 11.643 pesos 4 reales que pueden invertirse en construir un horno de destilacion de azogue, y 364 pesos en cada mes, suponiendo á este artículo un valor de 2 pesos libra, precio menor en que se venderá en aquellos minerales, se tendria una utilidad mensual de 155 pesos, aun cuando no mejorasen los productos de la mina.

Con fecha 15 de Mayo comunicaron á la Junta quedar reconocidas las de Tecusco en Tlalchapa: que el cerro de aquel nombre tiene abiertas varias bocas en su falda del Norte y en una estension de 150 varas: que la veta tiene como una tercia de metal compuesta de vermellon, y otras sustancias, sin mas profundidad vertical que la de $8\frac{3}{4}$ varas, y un cuele horizontal de $20\frac{1}{2}$: que la saca de metales puede subir hoy hasta 6 cargas diarias: que se ha comenzado un tiro para cortar la veta, cuya escavacion llega á 12, faltando para lograrlo poco mas de 18, segun el cálculo, lo que puede importar 224 pesos: que la comision considera esta obra de mucha importancia, pues con ella se desaguará la mina principal, evitándose en algunas el costo de ademes y otros: que ensayados los frutos de una de las minas, dió una ley de 14 onzas por quintal: que habilitadas y limpias sus labores puede hacerse la estráccion de 10 á 12 cargas de metal en el dia, aumentándose cuando se concluya el tiro: que calculados los costos de estraccion, en un mes, debe quedar una utilidad de 474 pesos, empleándose 40 dias en la quema, y gastándose aprocsimadamente 11.707 pesos 4 reales en la fabricacion de un horno; y que para que la Junta pudiera formar una idea de las ventajas que podria traer el avio de una de las minas, y principalmente el establecimiento de un horno, por lo ménos, en aquellos lugares, advertian que desde la mina del Huamuchil en Tlalchapa hasta el creston de la Candelaria hay varias bocas mas ó menos cavadas, cuyos frutos, que se hallan diversamente pintados de cinábrio, demuestran que todo el terreno comprendido en aquella distancia, que no baja de 10 leguas, contiene azogue en sus entrañas, lo que tambien indican

geognósticamente las rocas de que se componen los cerros, en concepto de que con el medio indicado se conseguiria sobre todo, popularizar los conocimientos para el beneficio del cinabrio, y cuya falta constituye el mayor obstáculo que se ha opuesto á las especulaciones, las cuales habrian multiplicado las empresas, encontrándose tal vez una riqueza que todavia no presentan las minas reconocidas: que estableciéndose el trabajo en cualquiera de ellas, debia autorizarse á su director para comprar metales, previo el ensaye y las precauciones convenientes; porque de esta manera se abriria un nuevo giro que cubriria de cateadores aquellas montañas para esplotar todos los crestones que contienen, abasteciendo al horno de materia suficiente para sus destilaciones, y haciéndose descubrimientos mas importantes y fáciles á la investigacion de la multitud, é imposibles para un aviador, por poderoso que se le suponga; y que se pondrian así en movimiento muchas minas de plata que en Tepantitlán, Coronilla, y otros puntos, están sin trabajarse por la escasez y alto precio del azogue, el cual se habia vendido en aquellos dias, hasta 250 pesos el quintal.

La comision suspendió sus trabajos el 23 de Mayo, atendiendo á los inconvenientes que para continuarlos ofrecia la estacion de las aguas, quedando pendientes de reconocimiento algunas minas.

Nombrado en 15 de Enero de 1844 el teniente coronel de artillería D. José Manuel Gonzalez para reconocer las del Departamento de México, hácia el Norte de la capital y las de los de Michoacan y Querétaro, salio á desempeñar su encargo con fecha 26 del mismo, dando principio á sus trabajos en las del segundo; pero los interrumpió despues por diversos motivos: así es que la parte indicada del Departamento de México no ha sido todavía reconocida.

—

MORELIA.

La comision en 8 de Marzo informó que la mina del Canario, sita en el rancho del Zapote, jurisdiccion de Tuzantla, producia metales que indican mas bien un rico criadero de cobre que de cinabrio, pues son muy escasos los puntos en que se manifiesta, y que teniendo la veta tres cuartas de ancho, siendo ademas dura y faltando operarios para el trabajo, tales inconvenientes harian muy costosa la estraccion de sus frutos, á ménos que el aspecto de la veta no variase á las 12 ó 15 varas de profundidad.

Segun resulta de lo informado por la comision en 25 del mismo, se esploró cuidadosamente un criadero de cinabrio que se halla en la sierra de Tepustepec, al Noroeste de Maravatio en la cañada nombrada del Indio; y aunque á la profundidad

de diez varas no presenta veta ni manto formal, son tantas las vetillas desde 4 hasta 8 y mas dedos de ancho en diferentes rumbos ó inclinaciones al horizonte, que pareciendo mas bien un rebosadero habia requerido una empeñosa esploracion, atendiendo á su abundancia de frutos y caractéres, no siendo éste el unico punto en que se manifiesta el cinabrio, pues aparece en distintos parages de la misma cañada en la estension de dos leguas que se reconoció.

Como la comision espuso que aunque los metales eran de corta ley, el criadero se hallaba absolutamente vírgen, la Junta atendiendo á esta y otras consideraciones, como la de ser las venas tan abundantes y blandas, que cualquier peon con el ausilio de una barreta podria estraer hasta 20 cargas en un dia, dispuso con fecha 28 del espresado mes, que se hiciesen diversas y amplias obras de esploracion en los mejores puntos del criadero.

Presupuesto su costo en 1085 pesos 6 reales se comenzaron algunos trabajos; pero no resultando los frutos con mayor ley que la de 4½ onzas por quintal, y habiéndose gastado hasta el 16 de Julio 570 pesos 4 reales, en 17 de Agosto acordó la cesacion de los trabajos y que la comision presentase su informe científico y la correspondiente cuenta de gastos; lo que hasta ahora no ha podido lograrse, sin embargo de las muchas instancias que al efecto se han hecho al comisionado.

Algunos meses antes se habia reconocido el rancho de Santa Bárbara en jurisdiccion de Jiquilpan, sin obtener ningun resultado segun aparece de lo que la comision espuso en 29 de Marzo, siendo tambien inútil el reconocimiento de la cañada de Garcia, cerros del Astillero, y del Joconostle en el de Maravatio.

—

ZACATECAS.

Nombrados en 29 de Enero de 1844, los Sres. Dr. D. Ernesto Berger y D. Antonio Blanco para desempeñar la comision reconocedora del mismo Departamento, dieron principio á sus trabajos en 1° de Febrero por las minas del Tequesquite, concluyéndolos todos el 11 de Marzo.

Segun el informe respectivo un valle estenso rodeado al Norte de los cerros de las Ventanillas, al Poniente del de S. Pedro, al Sur del de los Gatos y otros que no tienen nombre hácia la llanura de las Mangas, y al Oriente comunicándose con el rio de Melilla, es el que contiene en su seno las vetas de azogue de dicho mineral: la ley de los metales que producen algunos de sus labrados aunque deben mejorarse á mayor profundidad, ensayes hechos en los muy escogidos de los terreros, la dan hasta

de un 8 por 100; pero en lo general solo resulta la de 1½ á 3 por 100 de azogue. Por dos años las ha trabajado la compañía de Bolaños durante los cuales se avanzaron 160 varas á hilo de veta, y un tiro vertical de 64 varas; y como los labrados mas profundos conforme á noticias tradicionales, solo llegan á 60, la caja del tiro lo está en 40 mas que todos los planes. Hay otros cinco pozos, que se hallan situados à poca distancia unos de otros, no habiendo podido reconocerse sino hasta 10 varas de profundidad, por hallarse inundados. Juzgando por las obras visibles de las que no lo están, puede creerse que todas fueron proyectadas y ejecutadas con igual premeditacion que juicio, debiéndose inferir que la compañía las abandonó en el año de 841, atendiendo á la pobreza de los frutos, y á que el panino á mas profundidad aumenta en macicéz. La comision, para formar un presupuesto esacto de los costos que ecsigiria el nuevo fomento y trabajo de estas minas, consideró necesario poderlas ecsaminar despues de desaguadas; porque juzgó probable que debajo del agua los labrados deben hallarse en estado ruinoso, siendo por lo mismo indispensable ademar el tiro completamente, y proveerle de malacates. Como no se encuentran fábricas ó edificios útiles que pudieran servir á la negociacion, porque el reparo de las que hay costaria tanto como si se hicieran de nuevo, calculó por lo bajo, que se invertirian 40.000 pesos en reparaciones, adquisicion de útiles, y construccion de dos hornos; cada uno de los que produciria con metales de una ley media de 2 por 100 de azogue, 800 quintales al año, suponiendo que á mayor profundidad siguiesen en el mismo estado para poder contar con una estraccion de 26.000 cargas en el propio tiempo. La comision por último, advirtió que no podian esperarse grandes utilidades, y que solo en el caso de que á mayor profundidad los metales lleguen á formalizarse, una compañía con capital, que no bajára de 70.000 pesos podria estar segura de lograr siempre una ganancia regular; pero que como para el pais seria muy benéfico el trabajo de las minas, aun en el supuesto de solo costearse, asegura: *que no se perderia el dinero que se emplease en ellas.*

La mina del Carro, situada en el cerro de San Miguel, en pertenencias de la hacienda del mismo nombre, á juicio de la comision es la misma que conforme se dice, produjo en otro tiempo tanto cinabrio, que se escitó el celo de algunos empleados españoles en favor del monopolio de la madre patria y que en consecuencia fué tapada, segun espuso Gamboa en sus Comentarios, aunque el trabajo habia cesado cuando llegó la prohibicion, pues habiéndose adelantado 20 varas y profundizado 6 sobre la veta, se contrajo ésta al ancho de unas pulgadas, sin contener cinabrio alguno.

Hace pocos años se formó una compañía para reconocerla à

mayor profundidad, comenzándose un socavon que debiendo cortarla á las 80 varas solo pudo lograrse á las 85; pero de un ancho de 5 pulgadas y sin vestigio de metal, causa por la que fué abandonada una obra que el genio emprendedor de D. Rafael Carrera hizo despues continuar hasta una longitud de 210 varas, sin obtener los resultados que esperaba y quedando reducida la produccion al metal suelto, que recogian algunos pobres, y al producto de varias vetillas insignificantes; pero hace tres años uno de los rescatadores encontró como á 600 váras al Poniente de la mina vieja, y casi en la superficie, un ojo considerable de cinabrio, que comprò y trabajò el mismo D. Rafael, siguiendo la inclinacion de las capas hasta la profundidad de 18 varas en que el metal desapareció, habiéndose estraido seis mil cargas que contenian por término medio 1½ por ciento de azogue, y de las cuales beneficiadas cinco mil produjeron 16 mil libras. El empresario con actividad y constancia estraordinaria dió otro socavon de 230 varas en borrasca completa, sin adquirir mas que la conviccion de que las capas que son muy ricas en la superficie, pierden su metal en el interior. No obstante, se conserva todavia en la intencion de continuar los socavones, obras que no pueden darle ningun resultado, y cuando mas bien, debiera seguir sus trabajos sobre las capas que dieron la pasada bonanza; concepto que ha sido posteriormente confirmado por la esperiencia, encontrándose sobre alguna de ellas tierra metalífera, hasta en cantidad de 200 cargas, que se ha estraido de un pozo de 4 varas y que tiene una ley de 3 por ciento, atendiendo á que el cinabrio se encuentra en la superficie, y á que la única capa que le contiene en cantidades mayores, es insignificante, por ser poco estensa la formacion en que se halla: la comision juzga que en el mejor caso se podrá esperar un producto de algunos cientos de quintales de azogue en el año; pero que nunca será duradero.

El mineral de Pinos, colocado al Suroeste de la ciudad del mismo nombre, se compone de 4 criaderos de azogue llamados el Refugio, San José Coyassu, y San Pedro. Hace pocos años que en el primero de ellos se halló un ojo de mercurio nativo, pero que no fué de importancia; pues cuando se habia acabado de disfrutar, ya no pudieron encontrarse en la veta metales de azogue, lo que hace creer que la presencia de éste puede haberse debido á una casualidad. El segundo, que es constituido por un simple pozo de 4 varas de profundidad, se halla abandonado, aunque presenta algunos vestigios de cinabrio. El tercero lo contiene, pero en cantidad tan insignificante, que se han hecho cesar los trabajos, sin embargo de tener algunos metales el 1½ por ciento de azogue y en la inteligencia de que para registrar la profundidad se ha emprendido un pozo de mas de 60 varas sin haberse logrado un écsito satisfactorio; y en el cuarto

hay hilitos de una pulgada de grueso que han comenzado á esplotarse, sacandose de 6 á 7 cargas de metal semanariamente con ley de 2½ por ciento. La comision opina: que los criaderos de que se trata, apenas podrán producir de 15 á 20 cargas de metal en cada semana, cuya ley por término medio de 1½ por ciento, rendirá de 3 á 4 arrobas de azogue, siendo necesario sostener siempre multitud de trabajos esploratorios con riesgo algunas veces de que los gastos sobrepasen á los productos.

Ninguna importancia da la comision á las minas de azogue de San Cosme y Bañon, situada la primerá á 15, y la segunda á 10 leguas al Oriente del Fresnillo, porque considera que lo vivo del color de algunas sustancias ferruginosas ha dado motivo para que juzgándolo cinabrio algunos especuladores, hayan abierto varios pozos á tres leguas al Surdeste de San Cosme, no habiendo ni aun indicios de su ecsistencia, si no es á un cuarto de legua al Este del pueblo, en donde se encuentra una veta de cuarzo con pinta de cinabrio; siendo todavia menos atendibles las minas de la hacienda de Bañon, porque aunque han producido algunas arrobas de azogue, les falta mucho aun para igualar á las anteriores, causa porque se hallan abandonadas; así como otros criaderos de los citados minerales, que son todos de poca consideracion.

—

JALISCO.

Con fecha 20 de Marzo la Junta encargó á la comision de Zacatecas que reconociera las minas de cinabrio de dicho Departamento, y por informe de 12 de Septiembre da cuenta con el resultado de sus trabajos en el tiempo corrido desde 25 de Abril hasta 30 de Julio.

El rancho de los Huages se halla situado á 3 leguas al Poniente de la hacienda de Santa Rosa y 6 al Sur del mineral del Mesquital del Oro. Allí se encuentran metales de cinabrio, cuya mejor ley es de 3½ por ciento de azogue; siendo las vetas tan angostas é inconstantes, que nunca podrá formarse en ellas una grande esplotacion. Estas minas fueron antiguamente trabajadas, pero sin la debida inteligencia, y despues las esplotó una compañía de Guadalajara; pero el Dr. D. Ernesto Berger ha presagiado un mal écsito á los especuladores, porque en su concepto las minas son muy pobres y tan escasos los metales de una ley regular, que calculaba no se sacarian 10 arrobas semanarias, aun cuando trabajasen muchos barreteros en diferentes puntos de la cuesta, quedando por consiguiente perdidos para siempre los capitales que se invierten en ellas; mientras que D. Antonio Blanco en atencion al corto tiempo que permaneció la comision en aquel mineral fué de dictámen que antes de

decidir sobre su importancia convendria registrar el interior y reconocer por el lado del Norte el punto de interseccion de dos bordos ò crestones que allí ecsisten.

En la Sierra de Capula entre Chiquilistlan y Tapalpa, está situado el minerál Martinez que produce el cinabrio en una estension como de dos leguas, y en la que cada año se estrae una pequeña cantidad de azogue. Se han hecho y hacen muchas escavaciones sin provecho, en sentir de la comision, sobre un terreno de cosa de ⅛ de legua cuadrados. Sus principales minas son el Nuevo Almadén, el Mercurio, Refugio, Saucillo, Manto, y Socorro.

Bajo la equivocada inteligencia de ser estas vetas formales, cuyo metal produjo desde 9 hasta 14 libras de azogue por carga, una compañía de Guadalajara compró y trabajó las minas con un capital de 28.800 pesos, repartido en 48 acciones de á 600; pero antes de asegurarse de la subsistencia de los productos metálicos hizo construir un horno enorme con gasto de 23 mil, agotando casi todo el capital disponible, y reduciéndose á trabajar con el resto las minas del Almadén y Mercurio, que muy prontamente emborrascadas demostraron no ser vetas en forma. El director de la compañía adquirió entonces la mina del Manto, en donde se habia encontrado cerca de la superficie una bolsa de cinabrio, cuyos metales segun se dice, daban por carga 20 libras de azogue; pero como el horno se habia construido para beneficiar los de las minas del Almadén y Mercurio; abandonadas estas resulta mal situado, porque se aumentan los gastos con el flete de los metales á distancia de una legua de pésimo camino.

En diversos puntos hay metal muy pobre, y solamente en algunos se han hallado á veces ojos bastante grandes y de buena ley, cuya irregular distribucion hace improductivo el trabajo que se emprende para buscarlos. Uno se disfrutò en la mina del Manto que tenia cosa de seis varas de largo sobre 3 de ancho, dando cantidad considerable de metal con ley media de 4 por ciento: otro semejante se halló á las 130 varas Sureste de aquel; y un tercero á 80 al Este: siendo todavia mas grande que el 1°. y cuyos metales, se asegura que daban 20 por ciento de azogue cuando los del occidental no producian sino un 3. Acabados dichos ojos, siguió trabajándose en la mina del Manto un hilito de cinabrio que condujo en muy corta distancia al descubrimiento de otros ojos en las cuales apareció reducida la ley hasta el 2 por ciento aunque era la carga de consideracion; encontràndose despues una série de ojos, y continuando en la última frente á donde las lábores han llegado, el mismo hilito que probablemente indica el camino de otros ojos de metal.

Ya el 5 de Abril de 843 estaban abandonadas las minas del Almadén y del Mercurio, á causa de haberse perdido, segun se

ha dicho, todos los indicios de azogue. Solo la del Manto es la que ha dado los metales que despues han servido para cargar el horno; siendo la cantidad de éstos desde Abril hasta Agosto inclusive de 2.736 cargas, con ley media de 7 libras de azogue por cada una, debiendo ascender el importe por lo mismo á 19.152 libras. De ellas se perdieron en las respectivas operaciones 14.047, que equivalen a un 73 por ciento, no siendo estraño que con semejante método de beneficio la compañia gastase hasta 8 de Septiembre del mismo año, 34.113,44, ò 5.313,44 mas que lo que componia su capital primitivo. En consecnencia subió el desembolso por las acciones hasta 710 ps. 69 cent. y se ocasionó tal desaliento entre muchos de los accionistas que la compañía se habria estinguido, si dos casas de comercio no se hubiesen dejado persuadir para conceder á cada accion de las ecsistentes un valor de 800 pesos obligándose á gastar una suma igual á la del primer fondo por la adquisicion de la mitad de las propiedades y derechos de la compañía; quedando invertido del nuevo capital hasta Mayo de 844, $4.447,76; pero precisamente cuando ella se reformó se acabaron los ojos del Manto. La comision ha propuesto á los empresarios nuevas obras de probables y buenos resultados, confiada en que los productos costearán el trabajo, proporcionaràn à la compañía regulares intereses, y al pais una cantidad de azogue de su propio suelo; lográndose ademas datos esactos para calcular hasta dòndé deben estenderse las especulaciones en el mineral de Capula; pero para esto juzga necesario que se varíe el método del beneficio y abandone el horno; porque siendo las grandes pérdidas de azogue que se han esperimentado, solo debidas á su muy mala construccion, debe adoptarse el método de hacer el beneficio por retortas con recipientes como en el Palatinado, Bohemia y Transilvania.

La comision no ha calculado la cantidad de azogue que estos criaderos pueded dar en cada año, ni sus costos, porque esto requiere otros datos, que solo el tiempo puede proporcionar; pero quiere, y con razon, se tenga presente *que hasta ahora, malo como ha sido el trabajo del horno, se ha costeado el beneficio de metales con una ley de* 1 *por ciento de azogue.*

Las minas del Saucillo y el Socorro, cuyo metal es mas pobre, se trabajan superficialmente por cuenta de operarios que no ademan los labrados, ni tienen que invertir cantidad alguna en los jornales; pero que hacen el beneficio en cántaros de barro, perdiendo así los vapores metálicos hasta tal punto, que de frutos de una ley de 2 por ciento sacan $\frac{1}{4}$; de manera que se estravían cerca de los $\frac{3}{8}$. Se ignora la cantidad de metal que se recoje de estas minas, porque los dueños no lo pesan y se reducen á vender libra de azogue á 10, ó 12 reales: la comision, á quien el tiempo que estuvo en las minas sirvió de dato, gradúa en 3

arrobas el que semanariamente aprovechan tan pobres empresarios.

Muy lisongeras esperanzas se tuvieron en el año anterior de recoger considerables cantidades de azogue en el lugar que se halla al Oriente de la ciudad de Aguascalientes, cerca de la hacienda del Puesto, distrito de Lagos, Sierra de Mariquita, por haberse encontrado en él metales riquísimos: pero el Dr. Berger, que reconociò el criadero, en informe de 31 de Octubre de 1844, no lo considera capaz de dar productos importantes.

Dice que los especulares padecen frecuentes engaños, como les ha sucedido, por ejemplo, en la mina de los 12 Apóstoles, que despues de profundizarla hasta 9 varas en borra completa han seguido el trabajo entusiasmados, porque los frutos empezaron á colorear, circunstancia debida á hallarse la roca en aquello profundidad impregnada de fierro; pero que era juzgada como indicio seguro de la ecsistencia del mineral; siendo esta la historia de casi todas las minas que se han abierto, y que pasan de 40 en el espacio de una legua cuadrada, pues en la mayor parte de ellas no se han hallado ni vestigios de azogue; en algunas muy débiles, en tres bolsos pequeños de buen metal, y solo una le ha producido en cantidad que merezca alguna consideracion.

La mina de que se trata se llama de San Romualdo, es la mas antigua y pertenece á una compañía de particulares. Se trabajó en el año anterior, y hasta fin de Octnbre en que el comisionado produjo su infórme, tenia 40 varas de profundidad. Los metales se encontraron á la de 10 ò 12 lo mismo que en la mina Providencia, de manera que debe esperarse acontezca lo propio con la de la Bufa, que inmediatamente bajo la superficie da escelentes bolsos de cinabrio, y las llamadas de San Francisco, de la Esperanza, San Lorenzo, los Terros y San José que presentan un aspecto semejante al de aquellos criaderos sin que los demas anuncien importancia alguna ni aun bajo este respecto. En ellas no se observa veta ó manto, sino que el cinabrio aparece en la roca, penetrándola en diferentes puntos; pero de tal manera, que en algunas partes, que casi se encuentra puro, formando bolsos de un diámetro desde una línea hasta un pié, pueden rivalizar en hermosura y riqueza con los mejores del mundo; pero siempre en tan corta cantidad que en 9 meses la mina que mas se ha trabajado, produjo de 700 á 800 quintales de metal con ley media de 12 por ciento de azogue, sin embargo de que algunos pedazos contienen la de 50 á 70. La produccion que llegará á 30 cargas mensuales, es corta, no por la pequeñez de la mina, como sucede en las nuevas, que se abren sobre vetas ó mantos regulares, sino porque no habiendo metales en la profundidad y hallándose los bolsos diseminados irregularmente en la superficie, y siendo por lo comun raros y

pequeños, no debe contarse con productos permanentes; consideraciones por las cuales el comisionado entiende que de aquellas minas, solo la de San Romualdo ofrece una ecsistencia temporal y nunca de muy larga duracion.

—

SAN LUIS POTOSI.

Con fecha 2 de Febrero del mismo año dispuso la Junta que se reconociese dicho Departamento por la comision de Zacatecas, y esta lo hizo en efecto, informando separadamente de los resultados el Dr. D. Ernesto Berger en 12, y D. Antonio Blanco en 30 de Septiembre.

La comision opina con el Baron de Humboldt que la mina del Durazno disfruta en el pais de una grande celebridad, no por su riqueza, que es menor que la de la veta de San Juan de la China, sino porque puede trabajarse á tajo abierto, y ha dado muchos frutos, siendo tal la produccion á fines del siglo anterior, que se estrageron en pocos meses, de 70.000 cargas, cerca de 700 quintales de azogue; pero como el metal tenia solamente una ley de $\frac{1}{8}$ por 100, no se cubrieron los gastos, y hubo que abandonarla; mas es de advertirse que en aquel tiempo el quintal se vendia á 41 pesos; que el producto no ascendió mas que á 28.700; que el valor de $3\frac{1}{2}$ reales que él daba á la carga de metal, no podia cubrir los gastos de la mina, espuesta á derrumbarse, del desagüe, y del alto precio del combustible; y que cuando con posteridad ha subido el azogue hasta 150 pesos, primeramente por la guerra de la Península, luego por la revolucion de la independencia, y despues por el monopolio que sobre el mismo efecto ejerce en Europa una casa inglesa, el Durazno volvió á llamar la atencion de los especuladores.

En el principio la gente pobre del vecindario, perforando el suelo, estraia el metal, y lo beneficiaba en cántaros. No hay por lo mismo noticias esactas de la produccion, ni la mina tiene la soidez correspondiente á causa del despilaramiento que ha sufrido, y del desarreglo con que las labores se siguieron, ocasionando su estado ruinoso el sacrificio de varias vidas, y el de algunos capitales; pero una compañía formada en la capital del Departamento en los últimos años, diò un tiro, desaguò la mina, y construyó dos hornos de beneficio, pero con tal mal écsito, que tuvo por fin que abandonar la negociacion, perdiendo cosa de 30.000 pesos.

Dejaba ya entonces comenzado un tiro que se profundizò hasta cuarenta varas en busca de otro manto, pero sin llenar el objeto. Esta obra en opinion del comisionado es tan inútil, como estravagante la idea de continuarla, porque así se lo hacen creer varias consideraciones geognósticas; porque á su juicio ya

está disfrutado el manto en toda su estension conocida; porque no hay esperanzas razonables de ampliarlas, y porque la de hallar otro es quimérica con arreglo á sus conocimientos científicos.

Dice ademas que la presencia del cinabrio no se limita al manto, pues que al Sur del Durazno hay infinidad de vetas de cuarzo muy anchas, que le contienen, siendo entre otras una que se halla al pié de la campaña y sobre la cual se han trabajado cuatro puntos diferentes; porque la poca importancia dada á los labrados, ha hecho que queden los respaldos sin descubrir y por consiguiente desconocida la inclinacion; produciendo el azogue en cantidad tan escasa, que no causa aliento para emprender su beneficio.

La mina del Pedernal ha merecido al comisionado la mayor consideracion. Su veta cuarzosa de un ancho como de 16 varas, y que se trabaja por la misma compañía que abandonó el Manto, contiene las minas Blanca, San Roberto y la Grande. El cinabrio se encuentra en cintitas de un ancho desde una línea hasta 3 pulgadas, uniéndose estas á menudo en 6 ó mas, volviéndo á separarse ò acabando enteramente; pero como no hay regularidad en el rumbo, inclinacion, aparecimiento, y término de estas cintas de jaboncillo impregnado de cinabrio, se siguen sus ramalèos en cualquier rumbo por caprichoso que sea, sin que se obtengan por lo mismo ventajosos resultados.

Ademas de estas minas, que producen muy poco metal, trabaja la compañía un socavon que llaman de San Andres, comenzado á 160 varas de la boca de Mina grande: obra inútil, en dictámen del Dr. Berger, porque na sirve para reconocer la veta, ni para desagüe estando seca la mína. El trabajo en todas se hace con barras, rara vez con cuña y pico; y como no se usa de la pòlvora, dá algun provecho la estraccion semanaria de 35 cargas de 7 á 8 libras de azogue cada una por término medio, beneficiándose en cántaros. Desde mediados de Noviembre de 840 solo se han quemado metales del Pedernal que produjeron hasta Julio de 1844, 8274 libras 15 onzas de azogue, sin que queda determinarse la cantidad que lo produjo porque no se pesan: no obstante un cálculo aprocsimativo con atencion al método que hoy se sigue, hace creer que se necesitarian 2.415 cargas 8 arrobas, resultando por la division del tiempo en algunos periodos que la produccion aumentò en el segundo cuatro veces mas que en el primero, y en el último un 8 por 100 comparado con el segundo; que se sacaron de cada carga 3½ libras de azogue, y que se perdió en el beneficio mas de un 50 por 100 que equivale á 9.000 libras en 3 años y medio; estravio que pudo evitarse mejorando el beneficio por algun método como el del Dr. Ure, lográndose así con un costo de 3.000 ps. que la empresa se hubiera costeado, aprovechando una mas crecida cantidad de azogue.

Las principales dificultades que presenta el mineral, consisten en la falta de combustible, y sin embargo el comisionado entiende que la nacion debe proteger la empresa, por ser una de aquellas que aunque no sea productiva para el empresario, será de conocida utilidad pública, pues que la mayor estraccion de azogue que es muy posible, dará al pais incalculables ventajas. No opina que para esto deba entrar la Junta en relaciones con la compañia, sino seguir solamente la veta del Pedernal fuera de las posesiones de aquella en donde no se halla registrado, pues que manifiesta contenerse el cinabrio en diferentes puntos del creston, y ademas hay en todo el distrito un número considerable de vetas semejantes que podrian registrarse por medio de catas con probabilidad de buen écsito, y sin otro gasto que el de 3 á 4.000 pesos aun cuando no se emprendan todas las obras de investigacion que el terreno reclama.

—

CHIHUAHUA.

Con fecha 18 de Marzo del año pròcsimo pasado la Junta nombrò á D. Cástulo Chavez para que reconociera minas de azogue en el referido Departamento; y aunque todavia se hallan sin ecsaminar los minerales de Canelas, Batopilas y Morelos, y se asegura que en la sierra del Mogollon, rios Gila y San Francisco, se encuentra no solo el cinabrio sino el mercurio nativo, se ha descubierto ya un criadero al Oeste de Jesus María en el punto llamado de Casas coloradas, como á 6 leguas al mismo rumbo de Batopilillas, y 3 al Norte de Arechuivo, en el cual aparece el cinabria en granos aislados con grueso hasta de una pulgada en una estension como de 60 varas de longitud y 20 de latitud; pero solo en la superficie y en corta cantidad.

La ley de estos granos es de un 80 por 100; y como sin embargo de la escasez que de ellos se advierte una mas formal esploracion pudiera producir resultados de mayor cuantía, la Junta la dispuso con fecha 1°. de Octubre del mismo año, y hasta la fecha no ha tenido efecto, porque ademas de algunas dificultades ocurridas á la comision, quedan por vencer las que presentan las incursiones de los indios bárbaros.

—

SONORA Y SINALOA.

D. Florencio Monteverde fué nombrado por la Junta en 27 de Enero del propio año para reconocer los minerales de cinabrio de dichos Departamentos, y despues de aceptar el encargo hizo presente en nota de 17 de Abril la necesidad que habia de

que terminara la revolucion y mudara el tiempo para emprender con écsito su viage, y que entre tanto, se proporcionaria datos sobre la ecsistencia de cinabrio en el mineral de Rio Chico y Tamasula de Sinaloa, pues que aunque se vociferaba que en los terrenos de la Apachería habia manantiales de azogue, la discordancia en las relaciones fundaban su duda, con tanta mas razon, cuanto que se ignora que se halle aquel efecto en parte alguna tan abundantemente en el estado nativo.

En 2 de Octubre manifestò que continuaba recogiendo noticias: que habia recibido la de que en Alamos se halla un criadero; y que para adquirir todas las necesarias, era indispensable el transcurso de mayor tiempo.

—

NUEVO LEON, COAHUILA, Y TAMAULIPAS.

La Junta nombrò á D. Rafael Chovell en 12 de Junio del repetido año para que reconociera los criaderos de cinabrio de los mismos Departamentos, haciéndole una especial recomendacion de los minerales de Vallecillo, la Iguana y Villa-Aldama ecsistentes en el primero; y en 7 de Julio al manifestar su deferentia, propuso y se le aprobò en 24 de Julio á D. Patricio Flores para su segundo en la comision.

Hasta 14 de Noviembre, en que se le proporcionaron los recursos necesarios, no pudo comenzar sus trabajos; y como durante tres meses no ha vuelto la Junta á recibir noticia alguna, en 7 del actual dispuso finalmente que aquellos se suspendieran, y que la comision diese cuenta de las resultas de los emprendidos.

La Junta deja hecha una reseña de los reconocimientos que han podido practicarse aun en épocas posteriores á las prefijadas en el artículo 4°. de la ley, no solo para hacer las investigaciones, sino para decretar los avios; cosa que fué de imposible cumplimiento atendida la estrechez de los plazos y otros obstáculos que se presentaron.

Dos son los fondos que últimamente fueron destinados al fomento de las minas: el producto del 1 por 100 de circulacion de moneda, y los 130.000 pesos al año que en mesadas proporcionales y á favor de la Junta debian girar las aduanas marítimas de Veracruz y de Tampico.

Autorizada ella por el artículo 11 de la ley citada de 25 de Septiembre para recaudar el derecho impuesto al numerario por medio de los comisionados que le parecerian convenientes, ectaminò varios proyectos para sistemar la colectacion con la posible economía y con la mayor seguridad, y al fin tuvo que encargarla á los administradores principales de rentas; dando

parte al Gobierno Supremo en 29 del mismo mes, para que se librasen por el ministerio de hacienda las òrdenes correspondientes, segun se verificò el dia 30, ordenándose que las cantidades percibidas desde la fecha de la ley, por el espresado derecho se invirtieran á la voluntad de la Junta: ésta en 12 de Octubre tuvo la satisfaccion de ver que se hallaba conforme á sus deseos la circular que la direccion general de alcabalas y contribuciones directas espidiò para dar instrucciones á los administradores, reglamentando el cobro y la parte de contabilidad de los que por él resultaran responsables, y despues la de ver acreditado por la esperiencia que el método establecido sino el mejor, fué por lo menos el mas adaptable á la seguridad de los fondos en las circunstancias en que se encontraba la República; pues con escepcion de un robo hecho al administrador de Sinaloa en que se perdieron 14 pesos, 3 reales, 3 granos; y la quiebra en que, á su muerte, apareciò el de Nuevo Leon por no hallarse en caja los 549 pesos 2 reales 3 granos que debia tener ecsistentes, de cuya cantidad puede recobrarse todavía alguna parte; el resto de los productos, cuya totalidad ascendiò á 151.199 pesos 4 reales, $1\frac{1}{2}$ granos se ha colectado con regularidad por los mismos empleados, quedando solo pendiente la remision de algunas de las cuentas respectivas á los últimos meses del año, la de la ecsistencia que hay en algunas administraciones, importante 6.345 pesos 2 reales $6\frac{1}{2}$ granos, y la de una ú otra corta suma de que no se tiene conocimiento todavìa.

Sin embargo, al fondo se ha dado una distinta aplicacion en mucha parte, ya porque la Junta se haya visto precisada á obsequiar para ello algunas òrdenes supremas, y ya tambien porque no le ha sido posible evitar usasen de varias cantidades, con autorizacion ò sin ella, los gefes de varios Departamentos.

Diversas diligencias practicò la Junta para asegurarse del giro de letras prevenido por la ley á las aduanas marítimas de Veracruz y de Tampico; pero todas, así como la multitud de esposiciones que hizo en varias fechas á la administracion provisional para que se sirviera espeditarlo, atendiendo á la importancia del objeto á que su valor estaba destinado, han sido casi ineficaces, pues que únicamente por la 1ª. de las citadas oficinas ha recibido 32.244 pesos $\frac{1}{2}$ grano en lugar de 164.904 pesos 10 granos que, entre ambas, debieron haber librado hasta fin de Diciembre del año anterior; por cuya razon restan 132.660 pesos $9\frac{1}{2}$ granos.

Los pormenores de la colectacion é inversion de los fondos aparecen del resúmen que la Junta tiene la honra de acompañar á V. E. bajo el número 2 en donde se ve que hasta fin de dicho mes los gastos de administracion subieron á 18.755 pesos 7 reales $2\frac{1}{2}$ granos, ò lo que es lo mismo, á $5\frac{1}{2}$ por ciento: que en reconocimientos de minas se han gastado 14.586 pesos 5 reales

3 granos: que el avio de algunas minas de cinabrio en Guanajuato solo llegaba á 20.120 pesos: que al colegio se habian satisfecho 30.900, conforme al artículo 25 de la ley de 5 de Octubre de 843: que el Supremo Gobierno debe, en el caso de declararse que los 34 mil pesos que tomò el Escmo. Sr. general D. Antonio Lopez de Santa-Anna en la casa de moneda de aquel Departamento haya de sufragarlos la hacienda pública, 232.018 pesos 2 reales 3½ granos; y que de los 339.951 pesos 3 reales 4 granos que suman las partidas recibidas y que han debido recibirse, solo tenia la ecsistencia de 7.960 pesos 4 reales 7½ granos perteneciente al fondo general, y 20.125 pesos 10½ granos al particular de Jalisco; pero debiendo 22 mil pesos á una casa de comercio.

Con la mira de ir reintegrando al fondo de las cantidades que habian distraídose de la aplicacion que les designò la ley, dispuso el Supremo Gobierno en 24 de Julio ùltimo que las aduanas marítimas del Sur procediesen desde luego y sin falta alguna, á entregar al comisionado que al efecto nombrara la Junta, la mitad de lo que rindiese el derecho de averia, consignándosele ademas en 10 de Agosto en calidad de prenda subsidiaria, y con encargo y facultad de realizarla, la letra girada por el síndico del concurso de Zambrano en Durango, contra D. Juan José Zubizar, importante 17.500 pesos para que se cubriera lo que pudiese quedar insoluto; pero del derecho citado ha recibido en el presente año la insignificante cantidad de 590 pesos, 73 centavos, y la libranza antes de serle remitida fué adjudicada por la administracion provisional á resultas de un contrato celebrado en 23 de Octubre; mandándose á la Junta que designara en sustitucion otro crédito de igual clase, lo que hasta ahora no ha podido tener su verificativo.

Fácilmente se deduce de todo lo espuesto: 1°. Que si no se hallan cumplidas en su totalidad las disposiciones legislativas dictadas durante la administracion anterior en bien del ramo de azogues, solo ha dependido de que unas modificaron á las otras tácita ò espresamente, y las que conservan su vigor ecsigen el transcurso de mayor tiempo para producir todos sus resultados: 2°. Que las relativas á la adquisicion del azogue español no han perdido la solidéz de los fundamentos en que su objeto se apoyò porque las circunstancias peculiares á la época impidieran que se realizaran. 3°. Que las contraidas á ecsimir de derechos de alcabala á los efectos de consumo en las minas, requieren alguna aclaracion para llenar en todas sus partes el fin laudable con que se espidieron. 4°. Que la Junta departamental de Jalisco debe dejar á la de Minería espedito el uso de los fondos que para el fomento de las minas de cinabrio en aquel Departamento designò el decreto de 10 de Noviembre de 843, mientras

que no se derogue, ò se apruebe el que en 15 de Junio de 844 diò su Escma. Asamblea para invertirlos en la construccion de la cárcel de Guadalajara. 5°. Que el reconocimiento de criaderos de cinabrio en la república se ha hecho, aunque incompletamente. 6°. Que en el interés nacional se halla el de continuarlo. 7°. Que basta el ecsámen que se ha practicado para probar la ecsistencia de minas de cinabrio en el pais. 8°. Que el avío de algunas debe dar utilidad; que el de otras puede desde luego costearse, y que el de muchas no se perderá cuando se abran nuevos caminos, sea menor el precio de los artículos de primera necesidad, y se adopten mejores aparatos de beneficio. 9°. Que solo se han comenzado á esplotar algunas minas, y no todas las que merecen serlo, porque la Junta no ha podido disponer sino de una pequeña parte de los fondos que al efecto se le consignaron. 10°. Ultimamente, que la recaudacion de ellos ha sido hecha con suma regularidad y economia.

Los males que produce en la república la falta de datos estadísticos correspondientes á casi todos los ramos de la administracion nacional, se resienten tambien en el de Minería. La Junta, aunque ha hecho cuantos esfuerzos se hallaban á su alcance para destruirlos, lo ha procurado en vano, y por lo mismo le es imposible, por ahora, determinar con esactitud el consumo de azogue que por término medio se hace cada año en la república; pero sea cual fuere, no puede negarse que esta emplea la mayor parte del que rinden las minas europeas, porque es tambien la que contribuye con mas plata y oro para la acuñacion de la moneda. Tampoco cabe duda que *la Minería es el agente principal á cuya accion se hallan sudordinadas las creces de nuestra agricultura, industria y comercio*, y que si sus productos se entorpecen, el daño público será de ilimitada trascendencia.

Con el fin de impedirlo, la nacion debe hacer grandes esfuerzos, y el supremo gobierno dirigirlos y protejerlos.

Trabajadas las minas del pais por la administracion pública, y por empresas particulares, verémos tal vez realizada la lisongera profecía del Baron de Humboldt, sobre no necesitar esta América de la importacion del azogue europeo; pero aun deben transcurrir algunos años antes que la nacion llegue al estado de poder disfrutar tales ventajas.

Entretanto, tiene que surtirse de aquel fruto en la parte que dejen de cubrir los criaderos mexicanos las necesidades del consumo.

Dos medios le quedan para lograrlo: el uno, contratar los azogues de Almadén luego que termine la presente contrata, preparando con oportunidad los fondos, y los demas elementos necesarios para obtenerla; el otro, comprar cada año la cantidad de azogue indispensable, pero á la misma casa contratista,

para que ya que por el pronto no pueden evitarse los males consiguientes al monopolio, por lo menos se reduzcan los quebrantos, haciendo refluir en beneficio de los mineros las utilidades que naturalmente logra el comercio, trayéndolo por su cuenta á la república.

El fomento de sus minas requiere la inversion de algunos caudales; tambien son precisos para contratar los azogues españoles: son urgentes otros para surtir por lo pronto á los minerales del azogue que ecsigen, y que tienen hoy que adquirir á un precio tan alto que no pudiendo costearlo los metales comunes, se limitan solo al beneficio de los ricos, ocasionándose con esto un mal inmenso á la riqueza nacional.

Los fondos que dejò á la Junta la administracion anterior, si no para todos, para alguno de tan importantes objetos, van casi á desaparecer con la derogacion del decreto que impuso el derecho de uno por ciento á la moneda en su transporte de uno á otro Departamento.

Muy lejos se halla la Júnta de criticar el acuerdo que sobre este punto ha tenido la augusta cámara de diputados, porque lo apoyan la justicia, una bien entendida economía, y la angustiada situacion del comercio; pero no puede menos que clamar ante el Supremo Gobierno con toda la energía que demanda la muy triste en que se hallan los mineros mexicanos, á efecto de que teniendo presentes los innumerables fundamentos que reclaman la proteccion de las minas nacionales, se sirva iniciar en el Congreso las medidas correspondientes para que el fondo indicado del uno por ciento, se sustituya con otro equivalente, ampliando en cuanto fuere posible los recursos y facultades de la Junta, á fin de que tenga la suficiente aptitud para llenar los interesantísimos objetos que deja relacionados.

Ningun fondo es en su concepto mas análogo, ni mas á propòsito, que el que creó la ley de 22 de Noviembre de 821 en su artículo 6°. y consiste en el 3 por 100 que pagan el oro y la plata; porque sufragándolo la minería, nada tan equitativo como el que sus productos se destinaran á su fomento, no olvidando que con él se encuentran íntimamente ligados los mas grandes intereses de la prosperidad pública.

La Junta se honra renovando á V. E. sus protestas de muy distinguida consideracion.

Dios y libertad. México 22 de Febrero de 1845.—*José María Bassoco*, presidente.—*José María Castera*, secretario.—Escmo. Sr. Ministro de Justicia, é instruccion pùblica, D. Mariano Riva Palacio.

Número 1.

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA.

Escmo. Señor.—El señor contador encargado de la direccion general de alcabalas y contribuciones directas, viendo en el artículo 1°. del supremo decreto de 24 de Mayo último lo dispuesto por el Escmo. Sr. presidente provisional para que tengan su mas puntual observancia en lo relativo á las minas de azogue de la República, las reales òrdenes de 13 de Enero de 1783, 12 de Noviembre de 1791, 6 de Diciembre de 1796, y 8 de Agosto de 1814, sobre franquicia de alcabalas que conceden á los artículos del consumo de minería, creyó conducente circular con el mismo decreto las cédulas citadas en el referido artículo 1°.

Cotejando su contenido con el de otras quince circulares libradas en tiempo del gobierno español sobre gracias concedidas al ramo, hallò que aquellas aprobaban ò se referian á otras providencias en las que no solo estaban inclusas las relativas al caso, sino á otros diversos, haciendose en consecuencia necesario escoger lo perteneciente á la franquicia de alcabalas.

Hecho esto dirigió al Ministerio de hacienda una minuta de la circular que le parece oportuno se dirija á sus subalternos, y en la que se contiene la espresiòn recopilada de los artículos que se esceptuaron de alcabala, con el fin de que se evite la confusa inteligencia que pudiera darse por algunos funcionarios, á aquellas soberanas disposiciones.

Como en ellas se denominaron varios artículos para la esencion del derecho, aunque haciéndola estensiva con la frase *y otros* á los que inmediatamente *sirvan al laboreo de minas ó beneficio de sus metales, ó para los desagues*, el espresado señor contador entiende que con la palabra *otros* quedan indeterminados los demas artículos esentos; lo que en su concepto da motivo á dudas, consultas y cuestiones que pueden evitarse estimándose solo libres los efectos que nominalmente se comprendieron en las cédulas, y que tambien abraza la minuta de la circular que propone, para que aprobada pueda dirigirse á las oficinas subalternas de la Direccion, publicándose ademas por medio del Diario del Gobierno.

En la misma circular hace la juiciosa advertencia de que la libertad concedida á los azogues nacionales para traficar sin guia, pase, ni otro doeumento de aduanas, comprende tambien á los estrangeros, supuesto que la ley no los distingue de manera alguna.

Refiriéndose á la real òrden de 8 de Agosto de 1814, preventiva de que las gracias acordadas á la Minería fuesen estensivas á los territorios de las administraciones subalternas y receptorías dependientes de los mismos reales ò asientos, dice que

podria darse una inteligencia muy lata y perjudicial á la propia franquicia, considerando por tanto ser necesario esplicar que esa gracia ò esencion de derechos se acuerda en el distrito de las aduanas ó receptorías ò sub-receptorías en que se esplote el azogue, concepto que es conforme á la declaracion hecha por el vireinato á consulta de la renta en 21 de Agosto de 1798, en que se resuelve que *para la libertad de alcabalas de los efectos y utensilios de minería, deben tenerse por reales de minas las administraciones ó receptorías en cuyos suelos están situadas.*

Juzga tambien que debe advertirse á las administraciones que no recayendo la esencion sino sobre la alcabala, sigan cobrando los demas impuestos, como el medio por ciento para tribunales mercantiles, municipales ú otros que no sean de aquella especie; así como que el fierro y acero estrangeros son libres del consumo interior; pero no del que pagan en los puertos á su internacion.

En fin, la citada contaduría, reasumiendo sus conceptos, consulta:

1°. Que bajo los nombres de pertrechos, utensilios y avíos, se entiendan esceptuados los que nominalmente se refieren, no agregándose las palabras *y otros*, que contiene la providencia de 24 de Abril de 1781.

2°. Que tanto el azogue nacional como el estrangero camine sin guias ni pases, aun de las aduanas marítimas y fronterizas.

3°. Que segun el concepto de la real òrden de 8 de Agosto de 1814, la libertad de alcabalas es por las introducciones ò ventas en el distrito de las aduanas, receptorías ò sub-receptorías, donde se esplote azogue.

4°. Que la esencion es solo de la alcabala y no del medio por ciento de tribunales mercantiles, derechos municipales ú otros.

5°. Que el fierro y acero estrangeros son libres de derechos de consumo interior; pero no del que se cobra ó su internacion en los puertos.

6°. Que aunque en los efectos esentos á que se contraen las reales òrdenas de 6 de Diciembre de 1796 y 8 de Agosto de 1814, no se menciona la arena, cal y camones de arrastre, se incluyen no obstante en dicha esencion por haberla concedido las reales òrdenes anteriores.

7°. Que se publique en el Diario la circular y reales ordenes que cita.

Las nuevas prácticas introducidas en el cobro del derecho de alcabalas, despues del establecimiento de la Administracion y Direccion general de la misma renta, produjeron entre los mineros un clamor y una queja universales, porque aunque aquel método no llevaba otra mira que la de acrecer los fondos públicos, perjudicaba gravemente el interés minero, y por una natural consecuencia la riqueza de la nacion.

Encargado el estinguido tribunal de minería de promever el fomento del ramo, defendiendo los derechos justos del cuerpo, ecsaminò escrupulosamente los fundamentos en que apoyaron los mineros sus respectivas representaciones, y dirigió al virey una tan sólida como enérgica en 18 de Octubre de 1778.

Tratò entonces con la debida separacion cada uno de los puntos en que la nueva práctica en el cobro de alcabalas dañaba á la minería, esponiendo tambien en cada uno los fundamentos de justicia y de razon que se oponian á su establecimiento, los derechos del ramo y los perniciosos efectos que se obtendrian en contra del mismo erario que se pretendiera aumentar por aquel medio.

La ley 9ª, tit. 13, lib. 6º. de la Nueva Recopilacion, dice así: "Y el plomo, greta, cendrada y almártaga y escobilla, y todo lo demas que de las afinaciones saliere, sacada la plata, de que se nos han de pagar las partes segun que de suso va declarado, libres de todas costas, han de quedar y queden para los dueños de las dichas minas; sin que del dicho plomo, greta, cendrada, almártaga, y escobilla, se haya de pagar á nos cosa alguna." Segun se ve quiso la ley que solamente las platas pagasen un derecho; pero en lugar de atender á su espíritu se consideraron sus palabras, y en el artículo 6º. de una instruccion impresa dirigida á los administradores y receptores se previno por su director general el cobro de alcabalas á los metales, gretas, cendradas, que *cualesquiera personas vendieren no siendo dueños de minas, ó parcioneros en ellas y removida toda sospecha de negociacion; pues en caso de ésta se cobrará aquel real derecho.*

El natural resultado de esta disposicion fué que se cobrase la alcabala á los metales en piedra, y que se cobrase tambien de su fundicion y beneficio, resultando ilusoria la esencion concedida á los dueños ó parcioneros, porque no siendo prácticamente posible que los administradores averiguasen si el metal conducido por el rescatador para beneficiarlo, era comprado al dueño ó parcionero, ò á otro rescatador, cobraban promiscuamente de todo el metal que sabian habia sido rescatado.

Aun en el último caso, el mas plausible en la aparencia, se producia un gravámen injusto, porque no haciendo la venta los dueños ò parcioneros, los rescatadores no podian obtenerla mas que de los operarios, á quienes se da partido, recayendo el impuesto sobre sus jornales, que no pueden considerarse como venta ni permutacion, sino como la mera locacion del trabajo personal. De esta manera el dueño tenia que privarse de las manos necesarias, ò aumentarles el partido, con notable detrimento de sus negociaciones; sin dejar de sufrirlo ni en el supuesto de que solamente pagarán el derecho los rescatadores, porque éstos no comprarian sino el metal que soportase su pa-

go, ò aquel que se les vendiese á inferior precio: siendo éste el mas seguro medio de reducir las especulaciones y separar del ramo muchos capitales que contribuian á su engrandecimiento.

Las mismas razones favorecieron la esencion de alcabalas á las especies resultantes de los metales de que hizo referencia la ley citada de la Nueva Recopilacion; pero ademas hubo otras muy poderosas que emanaron de la consideracion de que todas esas especies son "de ingredientes, sin los cuales no se puede verificar la fundicion de las piedras minerales, en la que se le mezclan revueltos y se les da entonces el nombre general de *ligas de fundicion*, de tal suerte que la minería los produce, y la minería los gasta, y de consiguiente la minería es quien los vende, y la minería es quien los compra."

Por cèdula de 30 de Diciembre de 1716 se dispuso que los mineros en lugar del quinto pagasen el diezmo de las platas; pero se pretendiò que los rescatadores no se hallaban comprendidos en esta gracia hasta que la esperiencia produjo el convencimiento de que era necesario hacerla á ellos estensiva, pues que de otro modo no se llenaba el objeto, y en 19 de Junio de 1723 esta franquicia se hizo general para los mineros, aviadores, rescatadores, compradores, &c.

La ley 6ª, tìtulo 13, libro 8º de Indias previno que la vajilla pagase únicamente la alcabala de la manufactura, deduciéndose el costo de las pastas de oro y plata y satisfaciéndose cinco maravedìs por marco de la una, y dos por onza del otro, debiendo ser creidos por su juramento acerca de la utilidad en la maniobra de pequeñas alhajas y cosas menudas; pero se pretendió que se pagasen por el total valor de las piezas.

Se quiso que la venta ó permutacion de las minas, satisfaciesen aquel derecho contra lo que deciden los autores clásicos, infiriéndolo muy bien de lo dispuesto en las leyes 12 y 13, tìtulo 17, libro IX de la Nueva Recopilacion.

Sin embargo de que lo accesorio sigue la naturaleza de lo principal; de que las disposiciones favorables deben mas bien ampliarse que restringirse, y de que diversas leyes favorecian la escepcion de alcabalas de los vìveres y abastos que se llevan para provision de las minas, se pretendiò tambien que el maiz y otros artìculos que los mineros llevaban á sus minas y haciendas para dar racion semanaria de ellos á los operarios, pagasen alcabala porque consideraban equivocadamente el hecho como una especie de venta ò negociacion, olvidándose de que esas mismas raciones se distribuian por una práctica constante en las minas, sin reducir las porciones por la subida de precio en los artìculos.

En el 5º de la citada instruccion, se estableciò el cobro de la alcabala de cualesquiera españoles que tuvieren por trato ò

grangerìa hacar carbon, leña ò madera para vender, como venden á los mineros y otras personas, queriendo observar este artìculo en la práctica de tal manera, que no siendo indio el que llevaba aquellos efectos, cuya calificacion quedaba al arbitrio de los administradores, se hacia efectivo el cobro.

Por diversas consideraciones deducidas en favor de las rentas de alcabalas, ya porque cuando ha convenido se atendia al espìritu mas que el tenor literal de la ley, ó viceversa, se ecsigiò el derecho qde nos ocupa por la cal, la arena, el barro, los adobes y las piedras; y de la sal, del magistral, de las béstias, de los cuero al pelo, de las jarcias, de las herramientas, sebo y demas avìos de minas, cuando se llevaban á ellas por cuenta de los mineros.

Nada valia para los empleados en rentas la consideracion importantìsima de que gravar á la minería es disminuir sus productos, y que disminuir sus productos es reducir tambien los de las demas rentas del Estado y el comercio, y aun con el tiempo los del mismo ramo de que dependian. Los administradores, y especialmente los dotados al tanto por ciento, no querian sino colectar mayores cantidades para poder disfrutar de mayor sueldo.

Nada importaban para ellos los consejos de la razon ni los frutos de la esperiencia.

Unos pretestos para ciertos casos, y otros para los diversos, servian á sus miras de interés individual, cubriéndose á veces con un falso celo, y en las mas, con la supuesta ignorancia de las leyes.

Medio siglo largo ha trascurrido y la lucha todavìa no se termina; pero la Junta de fomento y administrativa de minerìa cree que la conclusion de este debate ha llegado ya con la ecsistencia del actual Gobierno.

El no permitirá la supresion de las palabras *y otros* consultada por la contadurìa de alcabalas, porque entonces, lejos de terminarse la contienda, no hariamos sino comenzarla; porque el Gobierno en vez de restringir, debe ampliar sus beneficios á la minerìa; y porque asì lo aconseja la sana razon, una constante esperiencia y los mejores cálculos econòmicos; de manera que hoy el mismo Gobierno no solamente sostendrá la esencion de alcabalas á todos los efectos de consumo de las minas de azogue, sino que la hará estensiva á los minerales de oro y plata, segun consultò el establecimiento en su informe dado á la comision de industria del Congreso general en 4 de Noviembre de 1836, que reprodujo en 10 del mismo mes de 38, y sobre el que ha insistido esta Juuta en el suyo de 18 de Febrero de este año.

A fin de robustecer la justicia y conveniencia de su solicitud, cree oportuno recordar á V. E. que ademas del principio gene-

ral reconocido de todos modos sobre que si se quiere que prospere la minería del pais deben acordársele cuantas franquicias sean imaginables, y no gravarla ni en lo mas mínimo: hoy la estricta observancia de este principio es tanto mas indispensable cuanto que entre otras poderosas razones, la de la carestía de los azogues, hace temer fundadamente quebrantos inmensos para la Minería, y por una inmediata consecuencia para la riqueza nacional. No olvide V. E. que en los cálculos del especulador cabe algunas veces la decision de abandonar los metales cuyo beneficio le ofrece la pérdida de un real en cada marco de plata y que tal vez proporcionándole ese mismo real con la esencion de alcabalas ú otras franquicias, esos metales en lugar de ser abandonados se beneficiarán, y entonces un solo real puede convertirse en un marco de plata: que la reduccion de los impuestos aumentarán los productos minerales proporcionalmente, y que la pérdida, si así puede llamarse la diminucion de los derechos de alcabala á los efectos de consumo en la minería, se retribuirá con usura para la riqueza nacional.

Bajo este supuesto y para evitar interpretaciones que hagan continuar esa escandalosa y perjudicial contienda, es claro que no deben tener lugar los artículos 1°. y 3°. que en aclaracion de la ley de 24 de Mayo último consulta el contador de la renta, y que tampoco debe tenerlo el 6°, pues que antes bien en vez de restringir la esencion acordada á los minerales de azogue, debe hacerse estensiva á los de oro y plata en toda la República: debiendo en consecuencia sustituirse el 1°. con este otro.

"Quedan esentos del pago del derecho de alcabala todos los artículos, efectos y materiales de consumo minero en los minerales de azogue de la República," pudiendo añadirse despues de la palabra *azogue:* "y de oro y plata," para el caso en que el Supremo Gobierno tenga á bien, como la Junta se lo tiene pedido y reitera ahora, conceder la citada ampliacion de aquella gracia; resultando por consecuencia que la circular propuesta por la misma contaduría de aduanas, en la que se incluye una lista por órden alfabético de efectos asceptuados, no debe espedirse, porque como se ha demostrado, es inútil, nociva y contraria al espíritu de las leyes protectoras de la Minería.

México, Julio 31 de 1843.—*Vicente Segura*, presidente.—*José María Castera*, secretario.

Es copia. México, Febrero 10 de 1845.—*José María Castera*, secretario.

Núm. 2.

JUNTA DE FOMENTO Y ADMINISTRATIVA DE MINERIA. FONDO DE AZOGUES.

Resúmen que manifiesta el total producto de este fondo y su inversion, desde 25 *de Septiembre de* 1843 *hasta fin de Diciembre del siguiente año, y consiste en los* 80 *y* 50.000 *pesos del derecho de importacion sobre las aduanas de Veracruz y Tampico, y en el de* 1 *por* 100 *de circulacion de moneda de uno á otro Departamento; ambos consignados por la ley para fomento de las minas de azogue en la República.*

CARGO.

Ingresaron de la aduana marítima de Veracruz en cuenta de los 80.000 pesos anuales que debe satisfacer con arreglo á la ley...				32.244	0	0½
Se cargan 69.235 pesos, 3 reales, 5½ granos, que resta la misma aduana para completo de 101.479 pesos, 3 reales, 6 granos, que en un año y 98 dias, vencidos en el tiempo que comprende el presente resúmen, al respecto de los 80.000 pesos referidos, ha debido remitir.....	69.235	3	5½			
Idem 63.424 pesos, 5 reales, 4 granos, que debió haber satisfecho igualmente la aduana marítima de Santa Anna de Tamaulipas, al respecto de 50.000 pesos anuales, en el mismo periodo.....	63.424	5	4			
Restan estas aduanas por lo vencido hasta 31 de Diciembre de 1844.....	132.660	0	9½	132.660	0	9½
Producto total de estas asignaciones hasta fin del año de 1844, *que debió entrar en este fondo*.....				164.904	9	10
Se cargan 151.199 pesos, 4 reales 1½ granos, que en el tiempo citado, han colectado las administraciones principales de rentas por productos del derecho de 1 por 100 de circulacion de moneda, en la forma siguiente..... A saber:						
En la administracion principal de Zacatecas se recaudaron desde 25 de Septiembre de 1843, hasta fin de Diciembre de 1844.....	34.222	3	3			
En la de Guanajuato, hasta fin de Octubre de 1844.....	33.892	2	6			
En la de Mèxico, hasta fin de Diciembre de idem.....	29.902	2	6			
En la de Jalisco, hasta fin de idem.....	11.484	5	8½			
En la de San Luis Potosí, hasta fin de idem.....	9.075	5	7½			
En la de Durango, hasta fin de idem.....	7.420	1	8			
En la de Puebla, hasta fin de idem.....	4.528	7	9½			
En la de Chihuaha, hasta fin de idem.....	4.241	5	2½			

1674

En la de Michaocan, hasta fin de Julio de idem	3.091	4	4			
En la de Nuevo Leon, hasta fin de Noviembre de idem	2.778	7	1½			
En la de Aguascalientes, hasta fin de Diciembre de idem	2.712	4	1½			
En la de Querètaro, hasta fin de idem	1.859	7	3			
En la de Veracruz, hasta fin de idem	1.486	0	2			
En la de Coahuila, hasta fin de idem	1.216	5	10			
En la de Oajaca, hasta fin de idem	708	4	0			
En la de Chiapas, hasta fin de Julio idem	65	0	0			
En la de Sonora, hasta fin de Abril de idem	32	1	11½			
En la de Sinaloa, solo en Julio de idem	15	0	0			
En la aduana marítima de Mazatlan, solo en Octubre de 1843	1.964	0	6			
En la de Santa-Anna de Tamaulipas, hasta Junio de 1844	598	5	10			
En la fronteriza de Tuxtla Chico, solo en Abril de idem	2	2	0			
Productos integros del derecho de 1 *por ciento de circulacion hasta* 31 *de Diciembre de* 1844	151.199	4	1½	151.199	4	1½
Se cargan asímismo 1.847 pesos, 6 reales, 4½ granos, por aumentos ó premios habidos de libranzas giradas por esta Junta contra los administradores de rentas, y descuentos de otras á cargo de la misma; con inclusion de mil y quinientos pesos de descuento al 3 por ciento sobre cincuenta mil pesos que se situaron en la casa de moneda de Guanajuato, para el avio de minas de azogue				1.847	6	4½
Total de los productos que relativamente han debido ingresar				317.951	3	4

CRÉDITO PASIVO.

Debe el fondo á los Sres. Manning y Mackintosh veinte y dos mil pesos que entregaron en Diciembre último, por cuenta de los cincuenta mil que se sitnaron en la Casa de Moneda de Guanajuato, cuyo entero hicieron en concepto de que ecsistian en dicho lugar los 34.000 pesos que tomó en esos dias el Escmo. Sr. D. Antonio Lopez de Santa-Anna, para las tropas de su mando, único resto que habia quedado de la cantidad situada				22.000	0	0
Balance				339.951	3	4

DATA.

GASTOS DE ADMINISTRACION.

Por los honorarios pagados á los administradores de rentas al 4 por ciento conforme á la ley, sobre las cantidades que recaudaron del derecho de 1 por ciento de circulacion	5.632 2 4½	
Por descuentos sufridos en el cambio de libranzas giradas por esta Junta contra los mismos administradores	3.652 0 9	
Por corretages pagados en dicho cambio	23 5	
Por la parte que reporta este fondo de los sueldos que disfrutan los Sres. empleados de la oficina	8.000 3 ½	
Por lo invertido en cajas de fierro para guardar los caudales, libros para la cuenta y razon y demas gastos anexos á la oficina, en la parte respectiva á este fondo	1.447 4 ½	
Suma	18.755 7 2½	18.755 7 2½

GASTOS DE RECONOCIMIENTO Y AVIOS DE MINAS DE AZOGUE.

Por honorarios pagados á los comisionados nombrados por esta Junta con tal objeto en los Departamentos de Mèxico, Morelia y Querètaro, Guanajuato, Zacatecas, San Luis Potosí, Chihuahua, Nuevo Leon, Coahuila y Tamaulipas; compra de retortas para ensayes, fletes de estas, formacion de planos y otros gastos	14.856 5 3	
Por lo ministrado al Tribunal de Minería de Guanajuato para el laboreo de las minas de cinabrio, nombradas Clavellinas, Guadalupe, Toro, Capulin, Palos colorados, otra Guadalupe en Atargea y otra innominada que están trabajóndose	20.120	
Suma	34.976 5 3	34.976 5 3

GASTOS DEL COLEGIO DE MINERIA.

Se le han ministrado para ellos		30.900 0 0
Gastos generales		84.632 4 5½

CRÉDITO ACTIVO.

Debe el Supremo Gobierno por lo que salió restando de los 80 y 50.000 pesos asignados á este fondo del derecho de importacion sobre las aduanas de Veracruz y Tampico, segun liquidacion formada en 31 de Diciembre de 1844	132.660 0 9½
Idem por las cantidades que se le han prestado en pesos fuertes en varias fechas hasta 31 de Diciembre último, con calidad de reintegro	42.000 0 0

Idem por los sueldos de Mayo á Diciembre últimos, pagados de órden suprema al Escmo. Sr. general de division D. Josè María Tornel, con igual calidad		4.000 0 0	
Idem por 34.000 mil pesos que en Diciembre último, tomó el Escmo. Sr. D. Antonio Lopez de Santa-Anna para las tropas de su mando, de los 50.000 que se situaren en la casa de moneda de Guanajuato para avio de minas de azogue		34.000 0 0	
Han tomado las tesorerias Departamentales del derecho de 1 por 100 de circulacion por órdenes supremas en las administraciones principales de rentas, lo siguiente.....A saber:			
En la de Mèxico	9 339 6 5		
En la de Guanajuato	4.219 3 5		
En la de Durango	2.567 3 9½		
En la de Jalisco	807 1 3		
En la de Nuevo Leon	682 0 11½		
En la de Morelia	530 0 0		
En la de Aguascalientes	416 3 8		
En la de Querètaro	172 6 7½		
Resto de 1.885 pesos 4 reales, con que la aduana de Mazatlan ausilió el Departamento de Sonora	507 5 6½		
Compensacion hecha á la casa de D. Anselmo Zurutuza por el retardo que sufrió para reintegrarse del importe líquido de la libranza número 4, que se giró á su favor y á cargo del administrador de la aduana de Mazatlan, de los 1.885 pesos 4 reales referidos en la partida anterior	115 1 10	19.358 1 6	
Suma		99.358 1 6	99.358 1 6
Deuda Total del Supremo Gobierno			232.018 2 3½
Debe la Direccion general de Industria por lo que de órden suprema se le prestó en 18 de Noviembre á depósito irregular por dos años			10.000
Idem los Sres. Manning y Mackintosh por resto de 25.000 pesos de un convenio que celebraron con esta Junta			3.315
Idem el fondo dotal de mineria 2.025 pesos que se le prestaron en Noviembre último para los gastos del colegio			2.025
			247.358 2 3½
Total del credito activo			247.358 2 3½

EXISTENCIA.

En la caja de este fondo.....	1.615 2 1	
En las administraciones principales de rentas y sus subalternas.....	6.345 2 6½	7.960 4 7½
Igual.....		339.951 3 4

NOTAS.—1ª. Por la primera partida del cargo, se advertirá que las aduanas marítimas de Veracruz y Tampico apenas han remitido á esta oficina una quinta parte de lo que les asignó la ley, del derecho de importacion, como un recurso absolutamente necesario para fomentar los descubrimientos y laboreo de las minas de azogue.

2ª. En la siguiente partida se notará que la recaudacion del uno por ciento de circulacion de moneda, está incompleta; pero esto ha sido por la falta de noticias que algunos administradores han debido remitir, á los cuales se les han hecho repetidos reclamos para que las rindan con la brevedad posible, á fin de recoger inmediatamente los productos y de tener las cuentas en un perfecto arreglo; lo que, hasta ahora, no ha tenido efecto en su totalidad.

3ª. Los productos que ha recibido este fondo y los que debia haber recibido, ascienden á 317.951 pesos, 3 reales, 4 granos, é importando los gastos de administracion, segun se vé en la data, 18.755 pesos, 7 reales, 2½ granos: resulta que solo han sufrido aquellos la corta baja de un 5½ por ciento, pues los 132,660 pesos que deben satisfacer las aduanas de Veracruz y Tampico, no erogan gasto alguno en atencion á que el cobro de las libranzas que remite la de Veracruz y debe remitir la de Tampico, se cobran íntegras. Este pequeño gasto que se impende en la citada administracion del fondo de que se trata, debe llamar la atencion del supremo gobierno, haciéndole conocer claramente la economía que se ha observado, pues en otros, para su recaudacion, se invierten mucho mayores cantidades respectivamente; deduciéndose de aquí la utilidad y conveniencia que resultará de su conservacion, y mucho mas si se atiende á lo importante de su objeto.—Contaduría de la junta de fomento y administrativa de minería. México, Febrero 19 de 1845.—*Miguel Hierro.*

EXHIBIT BASSOCO A.

(CROSS-EXAMINATION.)

Is a photograph copy, from Exhibit Bassoco No. 1, of certain rubrics shown therein.

—

EXHIBIT BASSOCO B.

(CROSS-EXAMINATION.)

Duplicate of Exhibit A.

TRANSLATION OF EXHIBIT BASSOCO No. 1.

Session of 23d April, 1846.

Present, the Señores Segura, Flores and Bassoco. After the approval of the minutes of the Session of the 20th inst. report was made of the following communications:

First.—From the Ministry of Justice of date 17th instant, authorizing the Board to submit to arbitration the question of the claim for eight thousand dollars against Don Joaquin Liaguno as surety for Don Manuel Gonzales.—Let instructions be drawn up for Don Eduardo Penny.

Second.—From the same of date 20th, replying that there has been transmitted to the Ministry of Finance copy of the communication in which it is requested that Executive Orders be given to the Custom houses of Mazatlan and Guaymas, for the delivery of the half of the duties of average (averia) appropriated for the payment of the debt of the government to the Junta.—To its Espediente.

Third.—From His Excellency the Governor of San Luis Potosi, accompanying Certificates of there having been extracted from the Mines of Guadalcazar five hundred and eighty-six quintals of quicksilver, for the purpose of claiming the premium of five dollars per quintal granted by law, representing that the parties interested request the prompt payment of the same, with the object of procuring an apparatus for distilling.—Let the bureau of Encouragement (fomento) report.

Fourth.—From the Mining Tribunal of Zimapan, complaining of the Judge (Juez de Letras) of that District.—Let the same be communicated with recommendation to the Governor of the Department.

Two from the Direction General of Industry dated 21st and 22d inst., acknowledging the receipt of the last drafts for the three per cent. of importation duty, with the difference of one cent.—The first to its Espediente, and the second remitted to the Comptroller's Office.

Another from the Collector of Customs at Hermosillo, representing why he has not been able to send the accounts of the one per cent. which are asked of him.—To its Espediente.

Another from the Architect Don Antonio Villard, presenting a list of the works which in his opinion should be done on the College for its repair and preservation, amounting to two hundred and fifty dollars.—Let the Treasurer report in view of the works proposed.

There was read a report from the Comptroller's Office relative to an account of the Collector in Guadalajara, advising that

NOV 1 3 1998

NRLF

RETURN TO → CIRCULATION DEPT.

1	2	3
4	5	6

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS

DUE AS STAMPED BELOW

SENT ON ILL		
2 0 1998		
U. C. BERKELEY		
MAR 2 9 2000		

UNIVERSITY OF CALIFORNIA, BERKELEY
BERKELEY, CA 94720

FORM NO. DD 19

YC 97469

UNIVERSITY OF CALIFORNIA LIBRARY